

ACTS OF ALABAMA.

AN ACT

1825.

To class and fix the price of the University Lands.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the lands belonging to the University of this State, shall be divided into three classes, according to quality, situation, and other circumstances regulating their value; the said classification to be made by three capable and discreet persons, to be chosen for each Judicial Circuit by joint vote of both houses of the General Assembly, at the present session; who, before entering on the duties of their appointment, shall take and subscribe an oath, to be filed in the office of the Clerk of the Circuit Court for the County in which such person may reside, faithfully to discharge the duties required of them by this act, and to return the said classification, when completed, to the President of the Board of Trustees.

University
Lands to be
classified.

Commission-
ers to take
oath.

SEC. 2. And be it further enacted, That the minimum price of lands of the first quality, shall thereafter be seventeen dollars per acre; of the second quality, twelve dollars per acre; of the third quality, eight dollars per acre.

Minimum
price.

SEC. 3. And be it further enacted, That so soon as the said classification of the lands aforesaid shall be completed, and returned as herein required, it shall be the duty of the President of the Board of Trustees to advertise the same in the three or more of the most public newspapers printed in this State; and also to offer the lands so classed at public auction, in such quantities, at such places, and at such times within the present year, as he may deem most conducive to the interest of the institution. And all lands not disposed of at such public sales, shall thereafter be subject to be entered at the minimum rates established by said classification: Provided, that nothing in this act shall be so constructed as to effect the lands reserved by the act passed at the present session, entitled an act to reserve from sale the lands belonging to the University, in the county of Tuscaloosa.

Lands to be
advertised.

Proviso.

SEC. 4. And be it further enacted, That the persons appointed under this act, shall be entitled to receive, while employed in classing the said lands, the sum of three dollars per day, to be paid out of the University funds, on the order of the President of the Board of Trustees, who is hereby required to draw for the sum, in favour of each of the persons appointed by this act, so soon as the classification shall be completed and returned to him, as herein before required

Pay of Com-
missioners.

Approved, January 13, 1825.

AN ACT

To amend the Charter of the Bank of the State of Alabama.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be the duty of the Senate and House of Representatives at every session, each and separately, to elect a joint committee, consisting of three members from each house, who shall, under the injunction of secrecy, be invested with full powers to make a thorough examination of all the books and papers, of what nature or kind soever they may be, belonging to the said Bank; of the specie and notes on hand; of the notes discounted; the applications for discount: and the said committee shall, in addition, be further invested with all the powers which the twelfth section of "An act to establish the Bank of the State of Alabama," may now confer on the joint committee of both houses of the General Assembly.

Joint committee to be elected.

Duty of committee.

Proviso.

Sec. 2. And be it further enacted, That it shall be the duty of the said committee to report to the General Assembly, the amount of specie and notes on hand; the amount of notes discounted, and each and every case (if any there be) of a violation of the Charter; of mismanagement of the concerns of said Bank; or of fraud or imposition, practiced by borrowers or others on the directors or officers of the institution: Provided however, that nothing herein contained shall imply the right of said committee to report to the General Assembly the situation of any private debtor or creditor of the Bank, or the name of any private debtor or creditor, unless their situation or names are palpable connected with some imputed violation of the charter, mismanagement in the concerns of the Bank, or of some situation: Provided also, that the said report shall be received with closed doors in each house of the General Assembly; nor shall there be a private or public disclosure of the same, unless both houses shall concur in the reports of their respective committees, or the disclosure shall only extend to such parts of such report as to which both houses may have concurred with their respective committees; nor then, unless both houses shall separately agree to remove the injunction of secrecy from the members respectively.

Sec. 3. And be it further enacted, That the injunction of secrecy imposed on the committee as aforesaid, shall not be removed, except by a joint resolution of both houses of the General Assembly.

[Approved, January 2, 1826.]

AN ACT

To authorize Clerks and Magistrates to collect costs in certain cases.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the clerks of the several circuit and county courts, and the justices of the peace in the several counties in the state, are hereby authorized, whenever any sheriff, coroner or constable shall return on an execution, directed to them or either of them, that the defendant in said execution has not property in his county, out of which he can make the amount of costs due on said execution, forthwith to issue execution against the plaintiff in said execution, for all costs due on said execution, created by the plaintiff in obtaining his judgment and execution; and no costs created by any defendant on the part of the defendant shall be taxed or collected in said execution.

Clerks and Justices to issue execution

(Approved, January 13, 1826.)

To regulate the Navigation of certain Rivers in this State by Steam-Boats.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the passage of this act, it shall not be lawful for any steam-boat to ply for freight or passengers between either of the ports of Mobile or Blakeley, and any of the towns, landings, or places on either of the rivers Mobile, Alabama, Tombeckbee, or their tributaries, without having previously undergone a thorough survey and examination by the board of harbor-master and wardens of the port of Mobile, and been found, in all respects, staunch well provided, and river-worthy for the space of at least one year thereafter: And the said board of harbor-master and wardens are hereby authorized and required to make such survey and examination, at least once in every year, or oftener if in the opinion of said board the same may be proper; and to charge and receive for each and every such survey and examination the sum of ten dollars: And if upon such survey and examination, the said board shall be satisfied, that the boat, so examined, is staunch and well found, both in hull and machinery, and, in all respects, well found and river-worthy for one year thereafter, it shall be the duty of said board to grant a certificate thereof, and to enter the same of record in the port-wardens' office.

Steam Boats
to be examined.

Certificate.

SEC. 2. And be it further enacted, That if the owner, agent, consignee, or master of any steam-boat, shall, after the passage of this act, ply any such steam-boat, on either of the aforesaid waters, without having first obtained a certificate for such boat, as herein required, such owner, agent, consignee and master, shall severally be liable for all damages which may occur to property shipped on such boat, in consequence of any casualty arising from the dangers of the river navigation, or from any accident to the engine or machinery of such boat.- And in all suits for damages, arising under this act, the onus probandi, or burthen of proof, shall rest upon the carrier: and the certificate of the board of harbor-master and wardens aforesaid, duly authenticated under their seal, shall be legal evidence of the transactions of the said board.

Owners, &c.
of boats liable
for damages.

SEC. 3. And be it further enacted, That the harbor-master and wardens aforesaid, or any three of them, shall be surveyors of damaged property, brought into the port of Mobile, in any steam-boat barge, or other craft; and they shall, upon every such survey, certify, under their hands, the amount of damages which any owner or shipper of such property may have sustained, and shall cause entries to be made, in a book to be kept for that purpose in their office, of all surveys made and certificates granted under this act; which surveys and certificates, duly authenticated by the official seal of the state; and for each survey, certificate and entry, they shall be entitled to two dollars, and for every duplicate thereof, one dollar; and the said wardens shall severally be entitled, for their services as surveyors of damaged property aforesaid, at the rate of three dollars per day.

Harbor-master and Wardens to examine damaged property.

SEC. 4. And be it further enacted, That this act shall not be construed to exempt the owner or master of any steam-boat from a recovery of damages, for the loss or damage of any article taken on board of said boat, according to the law in force before the passage of this act. (Approved, January 12, 1826.)

AN ACT

For the better selecting, drawing and summoning jurors.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened, That immediately after the Sheriff of any county shall have returned to the Clerk of the circuit court, in and for such county, the list of freeholders and householders within his county, it shall be the duty of the judge of the county court in and for said county, the commissioners of revenue and roads, the clerk of the circuit court and sheriff of the said county, to assemble at the court-house of said county, on a day to be appointed by the clerk of said circuit court, and to select from

Jurors, how
selected.

the list of freeholders and householders, returned by the sheriff, such persons as they or a majority of them may deem qualified to serve on juries, and the names of the persons so selected shall be put into a box to be kept by the clerk for that purpose; and the persons who shall be selected in manner aforesaid, shall be liable to serve on juries, and shall be chosen in the manner now prescribed by law.

Sec. 2. And be it further enacted, That it shall be the duty of the clerk of the circuit court in each county, immediately after the sheriff shall have returned to him a list of the freeholders and householders, to give notice of the time by him appointed to the persons who are by this act required to assemble; and if in any county, the judge of the county court, the clerk of the circuit court, the sheriff of the county and the commissioners of revenue and roads, shall fail to select persons to serve on juries in the manner directed by this act, then and in that case, the juries for such county shall be chosen in the manner prescribed by law, prior to the passage of this act.

Clerks of cir-
cuit courts to
give notice.

[Approved, Jan. 14, 1826.]

AN ACT

To repeal an act entitled an act the more effectually to ensure the testimony of absent witnesses by interrogatories.

Repealed.

Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That the act entitled an act the more effectually to secure the testimony of absent witnesses by interrogatories, passed on the twentieth day of December, eighteen hundred and twenty-four, be, and the same is hereby, repealed: Provided, however, That nothing contained in this act, shall be so construed, as to prohibit the courts of this state from receiving, as evidence, any testimony, that may have been legally taken by interrogatories, in pursuance of the act, which is hereby repealed.

Proviso.

(Approved, January 10, 1826.)

AN ACT

To repeal in part and amend an act, entitled "An act restricting officers from taking commission on costs collected by them on executions," passed December 31, 1823.

Repealed.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the before recited act as prohibits sheriffs from executing precepts, issued by justices of the peace, of forcible entry and detainer, be, and the same is hereby, repealed.

Sheriffs to
execute pre-

SEC. 2. Be it further enacted, That it shall be the duty of sheriffs to execute all such precepts of forcible entry and detainer, issued by justices of the peace, under the same rules and regulations

cepts of forcible entry, &c.

that they were under, before the before recited act was passed; all laws to the contrary notwithstanding. (Approved, Jan. 12, 1826.)

AN ACT to alter and extend the time of holding certain Circuit Courts therein named, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That the circuit court of Jefferson county shall be held on the fourth Monday after the fourth Monday in February and September as heretofore established by law, and may continue two weeks.

Jefferson circuit court,
when held.

SEC. 2. And be it further enacted, That the circuit courts of St. Clair county shall hereafter be held on the sixth Monday after the fourth Monday in February and September, which may continue one week; and in the county of Shelby, on the seventh Monday after the fourth Monday in February and September, which may continue one week.

St. Clair co.

SEC. 3. And be it further enacted, That all process and precepts, of whatsoever nature, which may have been issued, or may hereafter issue, returnable to any of the terms of the said courts as heretofore established, shall be returned to the respective terms of said courts as established by this act.

Precepts returnable.

SEC. 4. And be it further enacted, That it shall be the duty of the clerk and sheriff of Jefferson county to draw, in the manner heretofore prescribed by law, thirty-six jurors for the first week, and twenty-four jurors for the second week, of the circuit court of said county, any law to the contrary notwithstanding; that an intermediate term of the circuit court shall, and is hereby, required to be held in and for the county of Jefferson, on the eighth Monday after the fourth Monday of February next, to continue until all the cases are tried or disposed of, that may not be tried or disposed of at the regular term as fixed by law, in the same manner as if the same had been done at the said term.

Jurors, how drawn.

SEC 5. Be it further enacted, That there shall be drawn and summoned, at the first term of the circuit court to be held after the passage of this act, twenty-four jurors, to attend the said intermediate term of said court, in the manner now prescribed by law.

Intermediate Term.

(Approved, January 14, 1826.)

AN ACT for the adjustment of outstanding accounts, and to compel the payment into the Treasury of monies heretofore and now detained by public defaulters, and which may hereafter be detained.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be the duty of the comptroller of public accounts of this state, to adjust and settle all public accounts which are now of hereafter may remain due and unpaid, for the space of one year, and to publish in some newspaper published at the seat of government a list of the names of the respective defaulters and the amount due to the state from each, how the debt accrued to the state, and when the same became due and payable.

Duty of comptroller.

Sec. 2. And be it further enacted, That from and after the passage of this act, it shall not be lawful for the comptroller or treasurer to pay to any public defaulter any sum of money which may be due to such defaulter, for his salary, per centage or commission, but that it shall be the duty of the comptroller and treasurer to retain the monies due the state from all public defaulters; and at the expiration of every year, to apply the sum or sums so due from any public defaulter or defaulters to their credit, till the whole debt and

interest so due shall be fully paid and satisfied.
(Approved, January 12, 1826.)

AN ACT to amend the act entitled an act regulating judicial proceedings, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the act entitled an act regulating judicial proceedings in certain cases, and for other purposes, passed December

Repealed. eighteenth, one thousand eight hundred and eleven, as provides that no executor or administrator shall be liable out of their individual estate for not pleading, misleading, or false pleading in, or to any action whatever, which may be brought against them as such, be, and the same is hereby repealed.

Sec. 2. And be it further enacted, That no security for an executor or administrator shall be chargeable beyond the assets of the testator, or intestate, on account of any omission, or mistake, in pleading of the executor or administrator.

Sec. 3. And be it further enacted, That the appointment of a debtor executor, shall in no case be deemed an extinguishment of the debt, unless it be so directed in the will.

Servants to Sec. 4. And be it further enacted, That if any person shall die
remain on the after the first day of January, the servants and slaves of which he
premises. was possessed, whether held for life or other interest, and which
 were employed in making a crop, shall be continued on the plan-
 tation in the occupation of the decedent, at the time of his death,
 until the last day of December following, and then delivered to
 those who shall have a right to demand the same; and their crops
 shall be assets in the hands of the executors and administrators,
 subject to debts, legacies, and distribution; the levies and taxes,
 their tools, the expense of feeding them and their families to that
 time, and delivering them will clothed, being first deducted.

(Approved, January 12, 1826.)

AN ACT the more effectually to prevent trading with Slaves, and for other purposes.

Whereas great injury and inconvenience is experienced by the citizens of many cities, towns and neighborhoods, in the state of Alabama, in consequence of the illicit trade and traffic which is encouraged and carried on, by many evil disposed persons, with the slave population; for remedy whereof-

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Persons pro- That no person, whosoever, shall buy, sell or receive of , to or from,
hibited from any slave or slaves, any commodity of any kind or description what-
trading with soever, without the leave or consent of the master, owner or overseer
slaves with- of such slave or slaves in writing, expressing the articles permitted
out permis- to be bought, sold or bartered; or unless master, owner or over-
sion. seer of any such slave or slaves, shall personally authorize the same;
 and if any person or persons shall buy from, or sell to, or deal, trade
 or barter with, any slave or slaves without such consent and permis-
 sion previously had, given or obtained, he, she or they, so offending,
 shall be subject to indictment; and upon conviction, shall be fined not
Penalty. less than ten dollars, nor more than one hundred dollars, and impris-
 oned in the common jail of the county, not less than five days, nor
 more than six months; at the discretion of the jury, by whom the in-
 dictment is tried who may inflict one or both of theaforesaid penalties.

SEC 2. And be it further enacted, That this act shall not be in

force until the first day of March next. (Approved, Jan. 2, 1826.)

AN ACT

To prohibit the further granting licenses for gaming tables.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened, That from and after the passage of this act, it shall not be lawful for any court clerk, city corporate, town council, or any other authority whatever, within this state, to issue any license or permission to any person or persons, to keep or cause to be kept any table, bank or other invention, by whatever name known or called, used for gaming; and if any person or persons shall after the passage of this act, by him, her or themselves, or by his, her or their agent, keep or cause to be kept, any such table, bank or other invention, by whatever name known or distinguished, for the purpose of gaming, or shall permit or knowingly suffer the same to be kept, for the purpose aforesaid, on his, her or their premises, he, she, or they so offending shall, and conviction thereof upon indictment, be fined in a sum not less than five hundred dollars, nor more than two thousand dollars, and imprisoned not less than two months nor more than twelve months: Provided nevertheless. That this act shall not so operate, or be construed, as to effect the rights of any person, or persons, who may have obtained a license previous to the passage of this act, in pursuance of the provisions of an act passed on the twenty-fourth day of December, one thousand eight hundred and twenty-four, entitled an act to raise a revenue for the support of government, until otherwise provided for by law.

Gaming prohibited.

Penalty.

Proviso.

Sec. 2. And be it further enacted, That it shall be the duty of the Judges of the Circuit Courts, at each term of said courts, to give this act in charge to the Grand-Jury; and it shall be the duty of all Justices of the Peace to issue their warrant against all who shall offend against this act, and to bind them over to the next term of the circuit court having cognizance of the offence.

Judges to charge grand juries.

Sec. 3. And be it further enacted, From and after the passage of this act, that, if any person shall be convicted of betting at any gaming table not heretofore licensed, within the meaning of this act, such person shall be fined in a sum not more than Five hundred Dollars, nor less than Twenty Dollars, to be assessed by the Jury trying such offender.

Fine for betting.

Sec. 4. And be it further enacted, That any person, or persons, convicted of betting upon any gaming table, and fined under the same, shall remain in custody until the fine be paid.

Offenders to remain in custody until the

(Approved, January 4, 1826.)

fine be paid.

AN ACT to authorize the Judges of the Circuit Courts, in certain cases, to order Juries to be empaneled.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That where it shall appear that Jurymen have not been drawn and summoned in the manner prescribed by law, or do not attend, the Court may direct the Sheriff, or other attending officer, in case of his absence, or inability to serve, to empanel a Jury instanter of such persons as are by law qualified to serve on Juries, and can be conveniently summoned; and may, from day to day, empanel Juries of the by-standers for the despatch of the business before the Court.

Court to direct sheriffs to empanel

Sec. 2. And it be further enacted, That all laws and parts

of laws contravening the provisions of this act, be, and the same
are, hereby repealed. (Approved, January 14, 1826.)
2

Repealing
clause.

AN ACT

To alter the Lines of Madison and Jackson Counties.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter the line dividing the counties of Madison and Jackson shall be as follows: to wit, be-

Dividing line
of Madison &
Jackson coun-
ties, how al-

ginning where the second range line east of the basis meridian of Huntsville strikes Tennessee river; thence with said range line north to where the same intersects the extreme height of the ridge which divides the waters of Paint Rock and Flint rivers, and south of Jonathan Tipton's; thence with the extreme height of said ridge, to where the same strikes the southern boundary line of the State of Tennessee: Provided, that all the persons living on said ridge, at a place known by the name of The Sinks, shall belong to Jackson.

Proviso.

Election
precincts.

Sec. 2. And be it further enacted, That the election precincts in the [part of territory stricken off from Jackson county, by this act, to Madison county, which were formerly election precincts for Decatur county, are hereafter to be election precincts for Madison county.

Civil and mi-
litary officers
to continue in
office.

Sec. 3. Be it further enacted, That all Justices of the Peace, and Constables, and militia officers, in that part of Jackson County added to Madison county, shall remain in office the term for which they were elected, or otherwise provided for by law. This act to take effect from and after the first day of March next.

Persons liable
to patrol and
militia duty,
to what Regi-
ment they

Sec. 4. And be it further enacted, That all persons liable to perform patrol and militia duty, who may be included in Madison County, on the west side of the boundary line dividing said County from Jackson County, as in this act delineated, and living north of the line dividing the second and third townships, shall belong to the second regiment; and all those living south of said line, shall belong to the third regiment.

[Approved, January 6, 1826.]

AN ACT

To provide for reviving Actions of Trespass.

Writs of ad
quoddamnum,
Executors &
Administra-
tors to prose-
cute the same.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That where any person who may have heretofore sued or may hereafter sue, out a writ of ad quod damnum, under the laws of this state, may die before the termination of the proceedings on such writ, his or her executor or administrator may, on motion, revive the proceedings, and prosecute the same to a final termination.

Actions of
Trespass qua-
re clausum fre-
git, may be
revived by re-
presentatives

Sec. 2. And be it further enacted, That all actions of trespass quare clausum fregit, and actions of trespass to recover damages for injuries to personal property, may, if the plaintiff or plaintiffs die, be revived, by his, her, or their representatives, in the same manner as actions on contracts.

(Approved January 12, 1826.)

AN ACT

To amend the laws now in force in relation to the duties of the county Treasurers of this state.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That the county treasurers of the respective counties of this state shall receive all claims which may be presented by any person or persons against the county, and which have been duly authenticated according to law, and record the same in a well bound book, to be kept by him for that purpose, noting particularly the day on which the same was presented; and the said county treasurers shall in like manner keep a record of all claims due from their respective counties, which they may pay and discharge, noting particularly the day on which they were respectively paid.

County Treasurers, their duty.

Sec. 2. Be it further enacted, That the county treasurers of this state shall pay the respective claims, due from the county, agreeable to the order in which they stand recorded, and not otherwise.

Claims against Counties, in what order

paid.

Sec.3. Be it further enacted, That it shall be the duty of the judges of the several county courts of this state, to appoint three fit persons, once in each and every year, to examine the books and vouchers of the county treasurers of this state, and report the situation of the same, accompanied with a statement of all the claims which have been filed, and also all claims which have been paid off by the said treasurers.

Treasurers books, how examined.

Sec. 4. Be it further enacted, That if any county treasurer of this state shall fail to comply with the duties required by this act, he shall be fined in a sum not less than one hundred dollars, recoverable in any court having competent jurisdiction in this state, one half to the use of any person or persons suing for the same, the other half for the use of the proper county.

When fined.

Sec. 5. And be it further enacted, That the county treasurer shall receive from time to time for their services such compensation as shall be allowed by the judge of the county court and commissioners of roads and revenue, not exceeding five per cent. upon the moneys which they may pay out.

Sec. 6. And be it further enacted, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed. (Approved Jan. 14, 1826.)

Repealing clause.

AN ACT

Concerning the University Lands.

Be it enacted by the Senate and house of Representatives of the State of Alabama, in General Assembly convened, That the lands belonging to the University of the State, shall be sold at such times and places, and in such quantities, either in this year or any succeeding year, as the Governor shall direct, upon the terms prescribed by law.

How disposed of.

(Approved January 14, 1826.)

AN ACT

Establishing and permanently locating the Seat of Government for the state of Alabama, pursuant to the twenty-ninth section of the third article of the Constitution.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened,

Tuscaloosa,
The Seat of
Government.

That the town of Tuscaloosa be, and the same is hereby designated as the permanent Seat of Government; and that from and after the end of the present session of the General Assembly, the sessions of the said General Assembly shall be held in the said town of Tuscaloosa, as established and limited by this act.

To extend
the limits
thereof.

Sec. 2. And be it further enacted, That the corporate limits of the town of Tuscaloosa be, and the same are hereby extended, so as to include fractional sections twenty-one and twenty-two, and sections twenty -three, twenty-six, twenty-seven and twenty-eight, in township twenty-one and range ten, west of the basis meridian of Huntsville.

WILLIAM KELLY, Speaker of the House of Representatives.

NICHOLAS DAVIS, President of the Senate.

AN ACT

Providing for the Registration of Deeds, Grants, &c.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

Further time
for making
records.

That any person or persons who may have failed to register his, her, or their deeds, grants, or other instruments of writing required by law to be registered within the terms prescribed by law, shall have the further time of twelve

Proviso.

months to register the same: Provided the said registration shall not operate to the prejudice of creditors or subsequent purchasers.

Deeds, &c.
destroyed,
may again be
entered.

SEC. 2. And be it further enacted, That all deeds and conveyances of lands, tenements, and hereditaments, the record of which may have been, or may hereafter be, destroyed by any casualty, may again be entered of record within eighteen months thereafter.

[Approved January 9, 1826.]

AN ACT

To repeal in part and amend an Act entitled, an Act for the Punishment of Malicious Mischief, passed 17th December, 1821.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That from and after the passage of this act, any person, or

persons, who shall unlawfully, wilfully, and maliciously kill, wound, or disable any horse, mare, or gelding, colt or filly, Jack, Jinny, or mule, or any goat, sheep, or cattle, or any hog, or live stock of any kind or description

Malicious
cischief, how
punished.

whatsoever belonging to any other person, or persons; or shall unlawfully, wilfully, and maliciously burn, or otherwise destroy any ricks or stacks of hay, fodder, or grain in the sheaf; or shall unlawfully, wilfully, and maliciously destroy or injure, so that the same shall be unfit for use, any cotton, corn, or other article or commodity of value,

or any goods, wares, or merchandise, or any timbers or frame prepared for buildings belonging to any other person, or persons, -every person, or persons, so offending shall, on conviction of any of the aforesaid offences, by sufficient and satisfactory testimony, in any Circuit Court having jurisdiction of the same, be fined in such sum as the jury trying the same may assess, not exceeding four-fold the value of the property injured or destroyed, and imprisoned in the common jail of the county any length of time at the discretion of the jury trying the case, which fine shall be paid to the party injured :Provided, however, That the jury may inflict one or both of the penalties prescribed in this act.
(Approved January 14, 1826.)

AN ACT

To require Security upon granting a Supersedias.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That whenever an order for a supersedias to an execution shall be granted by any of the judges of the circuit courts, it shall be the duty of the clerk of the court to which it shall be directed, before issuing the same, to take a bond from the party in whose favor it is granted, with good and sufficient security, to be approved by the said clerk, in double the amount for which the said execution shall have issued, payable to the plaintiff or plaintiffs in the said execution; conditioned to pay and satisfy to the said plaintiff or plaintiffs the sum of money specified in the said execution, together with interest and costs, in case the said supersedias shall be set aside or be annulled.

SEC. 2. And be it further enacted, that the said bond, in case the supersedias be set aside or annulled, shall have the force and effect of a judgement against all the obligors, and that execution may be taken out against them all for the sum of money for which the first execution shall have issued, together with lawful interest thereon, and the costs by the plaintiff or plaintiffs in the said execution expended.

(Approved, January 4, 1826.)

AN ACT

To authorize clerks of the county courts to administer oaths in certain cases.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, it shall be lawful for clerks of the respective county courts to administer the necessary oaths to all executors and administrators upon their obtaining letters testamentary or of administration, and all or any oath or oaths respecting the several duties of his office, which may or can be administered out of term time, by a justice of the peace or by said county courts, acting in pursuance of their several jurisdictions.

Clerks' duties.

Bonds, in certain cases, to have the same effect as judgments.

Clerks of county courts authorized to administer oaths to Executors and Administrators.

1825.

False swearing.

Penalty.

14.

SEC. 2. Be it further enacted, That any person or persons swearing falsely, when an oath is administered in pursuance of the authority given to such clerk in the preceding section of this act, he, she, or they, shall be liable to all the pains and penalties inflicted on those guilty of perjury, in like manner as if said oath or oaths had been or was administered in a court of record. (Approved January 13, 1826.)

AN ACT

To provide for an extra term of the circuit court in Mobile and Baldwin Counties.

Extra term of Baldwin circuit court, when held.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be the duty of the judge of the first judicial circuit, to hold a special term of the circuit court for Baldwin county, to commence on the first Monday in February next, and to continue one week, if business so long require, for the trial of all causes pending in the said court, and which stood for trial on the third Monday after the fourth Monday in October last; and that all actions may be commenced and writs and process be made returnable to the said special term.

Extra term of Mobile circuit court, when held.

SEC. 2. And be it further enacted, That it shall be the duty of the judge of the first judicial circuit, to hold a special term of the said circuit court for the county of Mobile, to commence on the second Monday in February next, and through, for trial of all causes pending in the said court, and which stood for trial on the third Monday after the fourth Monday in October last; and that all actions may be commenced and writs and process be made returnable to the said term. (Approved, December 28, 1825.)

AN ACT

To compensate county court clerks for paying printers' fees for publishing the appraisement of certain strays.

Additional fee required of persons entering Strays.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That in addition to the fees now required to be paid by takers up of strays, at the time of posting the same, when such stray or strays, so posted, shall be of a description requiring publication in a newspaper, according to the ninth section of the act to which this is an amendment, which said act was approved on the twenty-first day of December, one thousand eight hundred and twenty, the taker up in such case shall pay the sum of two dollars, for the printing of said publication, to the justice, which shall be, by said justice, returned to the clerk of the county court with the certificate of appraisement, as is now provided by law.

The fee to be recovered from the owner.

SEC. 2. And be it further enacted, That the said sum shall be, by the said taker up, recovered back of the owner of such strays, when proved away, as other expenses now are.

SEC. 3. And be it further enacted, That any justice failing to return the appraisement of said strays and printing fees so deposited with him, as he is required by law to do, shall forfeit one hundred dollars, for every such offence, recoverable by any person who will sue for the same, one half to the use of the said person, and the other half to the use of the county treasury, before any court having jurisdiction of the same. (Approved January 2, 1826.)

Fine of Justices for neglect to make return.

AN ACT

To repeal in part an act, entitled an act to establish certain counties therein named, and for other purposes, passed December 17th, 1821; and for other purposes.

Whereas it appears to this General Assembly that the county of Decatur does not possess the quantity of territory required by the constitution of this state, and that in the establishment of said county, the county of Jackson was reduced to less quantity, and that it is unconstitutional to extend the boundaries of said counties into the territory within the chartered limits of this state to which the Indian title is not extinguished, to supply such deficiencies of territory,

Preamble.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the fifth and sixth sections of the before recited act which fix the boundaries of Jackson county and establish the county of Decatur, be, and the same are hereby repealed.

Repealing clause.

SEC. 2. And be it further enacted, That all laws which were by the said sections repealed, are hereby revived.

Reviving clause.

SEC. 3 And be it further enacted, That all acts and parts of acts which are prescribed in the sections hereby repealed, are also hereby repealed.

Repealing clause.

SEC. 4 And be it further enacted, That the clerk of the circuit court of Decatur county, be, and he is hereby required, on or before the 10th day of February next, carefully to transmit to the clerk of the circuit court of Jackson county all the records, proceedings and papers belonging to or in any way connected with any suit heretofore tried or now pending in said circuit court of Decatur county, and all papers and proceedings in any other way appertaining to his office.

of Jackson county.

Clerk of Decatur circuit court to transmit papers, &c, to the clerk of the circuit court

SEC. 5 And be it further enacted, That the clerk of the county court of Decatur county be, and he is hereby , required on or before the 10th day of February next, carefully to transmit to the clerk of the county court of Jackson all the records, proceedings and papers belonging to, or in any way connected with any suit heretofore tried, or now pending in said county court of Decatur county, and all papers and proceedings which belong to his office as clerk or register or in any other way.

county.

Clerk of Decatur county court to transmit papers, &c, to the clerk of the county court of Jackson

SEC.6. And be it further enacted, That all process which may have issued from the aforesaid offices shall be returnable as follows, to wit: such as have issued or may hereaf-

Process, &c. how returnable.

ter issue, since the last circuit court in Decatur county shall be and is hereby made returnable to the first term of the circuit court of Jackson county, and such as may have issued or hereafter may issue, before the time aforesaid, from the office of the county of Decatur county, shall be and is hereby made returnable to the first term of Jackson county court.

Clerks and sheriffs liable for neglect of duty.

SEC. 7. And be it further enacted, That the clerks of the circuit and county courts of Decatur county and the sheriff of said county, shall, in all respects, be liable for any neglect, omission or misdemeanor in their duty, in the same manner that the clerks and sheriff of Jackson county would be, for a similar neglect or omission in the county of Jackson.

Criminal cases in Decatur county, how to be disposed of.

SEC. 8. And be it further enacted, That all persons heretofore, or may hereafter be bound over for offences against the state of Alabama, to the circuit court of Decatur county, shall be bound to stand their trial in the circuit court of Jackson county, in the same manner they would if they had been originally bound to Jackson circuit court.

Suits transferred, how to be disposed of.

SEC. 9 And it be further enacted, That all suits transferred according to the provisions of this act from the courts of Decatur county to those of Jackson county, shall stand for trial and be tried in the same manner as if the said suits had originated in the said last mentioned courts.

Justices and constables to remain in office.

SEC. 10. And be it further enacted, That the justices of the peace and constables who have qualified as such, and are now acting as officers for the county of Decatur, are hereby permitted to remain in office as justices of the peace and constables for Jackson county, until the time they were appointed for in Decatur county would expire, whose acts shall be as valid as if they had been qualified as officers of said Jackson county.

Appeals returnable to the courts of Jackson county.

SEC. 11. And be it further enacted, That all appeals from the decision of justices of the peace of Decatur county now abolished, shall hereafter be made returnable to the courts of Jackson county at their next sessions.

Treasurer of Decatur to pay over monies &c, to the Treasurer of Jackson county. Election precincts.

SEC. 12. And be it further enacted, That the county treasurer of said county of Decatur, hereby abolished, shall pay over all monies in his hands, belonging to said county, to the county treasurer of Jackson county, and transfer all papers relative to the office of treasurer in Decatur county, to the treasurer of the county of Jackson.

Claims.

SEC. 13. And be it further enacted, That all election precincts in said county of Decatur, abolished by this act, shall be and remain election precincts for the county of Jackson.

SEC. 14. And be it further enacted, That all claims against the county treasury of Decatur county, shall be valid and paid out of the county treasury of Jackson county, under the same rules and regulations as other claims of Jackson county against the county treasury.

(Approved, December 28, 1825.)

AN ACT

To establish a permanent Seat of Justice in the County of Jackson, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened, That George Caperton, David Williams, James Russell, Major William Proctor, Gilbreath Barton, William Hudson, William Dodson, Henry Derick and Captain Brantley Wright, be, and they are hereby appointed, commissioners, who, or a majority of whom, shall select two places, the most eligible and convenient sites, as near the centre of said county as may be, to comport with the future and permanent interest of the whole county, having a due regard to situation and good water, one of which shall be selected as the seat of justice of the said county, in the manner in this act hereafter prescribed.

Commission-
ers appoint-
ed.

SEC. 2. And be it further enacted, That the said commissioners shall meet in the town of Bellfonte on the first Monday in February next, for the purpose of selecting, and shall continue from day to day, until they do select the two places as mentioned in the first section of this act; and before they proceed to the duties of said mission they shall take the following oath or affirmation, to be administered by some person authorized to administer oaths, (to wit:) You and each of you do solemnly swear, (or affirm as the case may be,) that you will select and put in nomination two sites for the seat of justice for the said county of Jackson, according to the requisitions of the first section of this act, according to the best of your judgment, without favor or affection, prejudice or partiality, and without any other consideration than the common good and interest of said county generally.

Commission-
ers to select
sites.

Take oath.

SEC. 3. And be it further enacted, That if any vacancy shall occur by the death, resignation or refusal to act of any of the commissioners by this act appointed, it shall be the duty of the judge of the county court of said county, to appoint some person to fill such vacancy with some person who lives as near the place where he resides or resided whose vacancy is to be filled, and who shall have all the powers, take the same oath, and be in other respects subject to the same restriction to which the commissioners by this act appointed are subject.

Judge of
county court
to fill vacancy.

SEC. 4. And be it further enacted, That the commissioners aforesaid shall so soon as they fix upon the sites according to the provisions of this act, notify the sheriff of said county thereof, and furnish him with a written description of the sites selected, and if said commissioners should select either of the sites on the land of an individual or individuals, they are hereby empowered to accept of any propositions of donations made by the proprietor or proprietors of the lands thus selected, and make a conditional contract for the same, which contract shall be affirmed if

Commission-
ers to notify
sheriff, &c.

according to the result of the election hereinafter provided for, the seat of justice shall be fixed on such land, the terms and conditions of which contract or contracts for donations shall be furnished to the sheriff by the said commissioners.

SEC. 5. And be it further enacted, That it shall be the duty of the sheriff of said county, as soon as he receives the return of said commissioners, to advertise and hold an election in said county on the fourth Monday in March next, at the different precincts established by law for holding the general election in said county according to the said advertisement, the two places nominated by said commissioners, and the terms and conditions of any contract or contracts, which may be made according to the provisions of the fourth section of this act, which said election shall be advertised fifteen days before the time of holding the same at six or more of the most public places in said county, and shall be conducted pursuant to the election laws now in force in this state.

Sheriff to advertise and hold election.

SEC. 6. And be it further enacted, That all persons within the limits of said county, who are entitled to vote for members to the General Assembly, shall be qualified electors at such election, and the site having the greatest number of votes thus nominated, shall be the permanent seat of justice for Jackson county.

Persons entitled to vote.

SEC. 7. And be it further enacted, That if according to the provisions of this act, the seat of justice be fixed on public lands, in that case, the quarter section of land on which it is fixed shall, and the selection thus made, shall be the selection of the quarter section of land to the right of pre-emption, to which the said county of Jackson is entitled by acts of Congress, entitled an act granting to the counties or parishes of each state or territory of the United States, in which the public lands are situated, the right of pre-emption to one quarter section of land for seats of justice for the same, approved, May 26th, 1824.

Pre-emption right to quarter section of land.

SEC. 8. And be it further enacted, That if according to the provisions of this act, the seat of justice be fixed upon the land of an individual or individuals, in that case Doct.

Commissioners to select section.

Lemuel Gillum, Doct. A. W. Davis, Nathaniel Hudson, Charles L. Roach, and Richard B. Clayton, be, and they are hereby appointed Commissioners to select the said quarter section of land, according to the act of Congress aforesaid, and make return to the judge of the county court, what quarter section of land they have chosen, whose certificate of such return, and that the seat of justice has been permanently fixed before the sale of the public lands adjoining, together with this act shall be evidence of a selection of a quarter section of land according to the before recited act of Congress.

SEC. 9. And be it further enacted, That if according to the provisions of this act, the seat of justice be fixed on

public lands, it shall be the duty of the sheriff to certify the same to the judge of the county court, whose certificate together with this act, shall be evidence of the selection of a quarter section of land, according to the before recited act of Congress.

SEC. 10. And be it further enacted, That the judge of the county court, and the commissioners of the revenue and roads shall be, and they are hereby empowered to contract for such loan of money as shall be necessary to pay the government price, for the said quarter section of land, at a rate per centum not exceeding the legal interest according to the law of this state, which shall be payable whenever the amount shall be realized by the sale of such quarter section of land or any part thereof.

SEC. 11. And be it further enacted, That the said Doctor Lemuel Gillum, Doct. A. W. Davis, Nathaniel Hudson, Charles L. Roach and Richard B. Clayton be, and they are hereby appointed commissioners for the purpose of laying off a town, surveying and selling lots, at the seat of justice fixed upon by the provisions of this act for the said county of Jackson and to contracts for, and cause the public buildings for said country to be erected on such terms as they may think most conducive to the true interest of said county.

SEC. 12. And be it further enacted, That it shall be the duty of the said last mentioned commissioners to employ a surveyor to survey, designate and lay off lots in said town by such metes and bounds, and of such dimensions as said commissioners may direct, and make out a fair plat, or correct map, with the certificate of the surveyor thereto, and return the same to the clerk of the county court, whose duty it shall be to record the plat or map with the surveyor's certificate in the record books of his office.

SEC. 13. And be it further enacted, That the said commissioners shall give at least six weeks notice in some newspaper printed in the town of Huntsville, of the time and place of selling lots, at the seat of justice aforesaid, and also at three of the most public places by advertisement in said county of Jackson.

SEC. 14. And be it further enacted, That the said commissioners shall have power to sell the lots aforesaid, on such terms and conditions, as they may think best calculated to promote the best interest of the county, but in no instance to make a title in fee simple to any purchaser or purchasers of any lot or lots, until the whole consideration for the same is actually paid.

SEC. 15. And be it further enacted, That the said commissioners shall cause to be laid out a public square of such dimensions as they may deem proper, and reserve the same from sale, and also any number of lots not exceeding six for other public uses.

SEC. 16. And be it further enacted, That the said commissioners shall give six week's notice in such manner as

1825.

Sheriff to
certify.

Judge of
county court,
&c. to con-
tract for loan
of money.

Commission-
ers to lay off
town, &c.

Duty of com-
missioners.

Notice to be
given.

missioners shall have

Lots, how
sold.

Public square.

is prescribed in the thirteenth section of this act, that they will receive proposals for building a Court-House and Jail for the use of the County aforesaid, of such dimensions as they may think proper; and the commissioners shall take bond with approved security, from the undertaker, or undertakers, in double the amount for which said public buildings may be undertaken, conditioned for the faithful completion thereof by the time specified in the bond, and agreeable to the plan devised, payable to them as commissioners for the county of Jackson, and their successors in office.

County build-
ings.

SEC. 17. And be it further enacted, That all notes, bonds or other instruments of writing, taken by said commissioners, not otherwise herein provided for, for the payment of money, shall be make payable to Lemuel Gillum, A. W. Davis, Nathaniel Hudson, Charles L. Roach, and Richard B. Clayton, commissioners for Jackson County, and their successors in office, who are hereby vested with full power to sue and recover the sum or sums of money therein specified.

Notes, &c.
to whom pay-
able.

SEC. 18. And be it further enacted, That in case of death, resignation, removal, or refusal to act of either of the commissioners last aforesaid, it shall and may be lawful for the residue of said last commissioners to nominate and appoint any person or persons to fill such vacancy.

Vacancies,
how filled.

SEC. 19. And be it further enacted, That the said commissioners, before they enter on the duties of their appointment, shall take and subscribe the following oath, to be administered by any Justice of the Peace, or County Judge for sad County, to wit: I (or we, as the case may be) do solemnly swear, that as commissioner, or commissioners, of Jackson County, will faithfully and impartially, and to the best of my (or our) ability, (or abilities, as the case may be,) discharge the duties of commissioner, or commissioners, for the said county of Jackson, so far as in their power, to the best interest of said county, so help me God; which oath shall be deposited in the office of the County Court Clerk's office.

Commission-
ers to take
oath.

SEC. 20. And be it further enacted, That the said last mentioned commissioners be, and they are hereby, empowered, to sell and dispose of the said quarter-section of land, which may be selected according to the aforesaid act of Congress, in such manner, and upon such conditions, as they may deem most expedient for carrying into effect the purpose of the grant.

Quarter sec-
tion, by whom
and how dis-
posed of.

SEC. 21. And be it further enacted, That the said commissioners shall, from time to time, receive such compensation for their services as shall be allowed them by the County Court of said County, to be paid out of the County Treasury.

Compensa-
tion.

SEC. 22. And be it further enacted, That the commissioners last aforesaid be, and they are hereby, authorised

and empowered to make such deeds of conveyance, or bonds for a title to the whole, or any part, of said quarter-section of land, as they may deem expedient for carrying into effect the purpose of the grant.

SEC. 23. And be it further enacted, That the commissioners in this act first appointed, shall be allowed, for compensation for their services, the sum of one dollar per day, to be paid out of the county treasury, out of any monies not otherwise appropriated, upon the certificate of the Judge of the County Court of said County.

SEC. 24. And be it further enacted, That all acts, and parts of acts, coming within the purview and meaning of this act, be, and the same are hereby, repealed.

(Approved, January 7, 1826.)

AN ACT

The better to secure money in the hands of clerks, sheriffs and coroners.

SECTION 1. Be it enacted by the Senate the House of Representatives of the State of Alabama in General Assembly convened, That whenever any clerk, sheriff or coroner, shall fail or refuse to pay over any money, collected or received by him, upon any execution, on the application of the plaintiff or plaintiffs, his, her or their attorney or agent, it shall be lawful for the court, to which the said execution shall be returnable, upon one day's notice being given to the said clerk, sheriff or coroner, and on motion of the plaintiff or plaintiffs in said execution, to render judgement against the clerk, sheriff or coroner, thus failing, and his security, or any or either of them, for the amount of money thus received, together with five per centum upon the amount of the said execution as damages, for each and every month, for which the paid money shall have been detained, after demand made, together with the costs of suit.

SEC. 2. And be it further enacted, That whenever any sheriff or coroner shall make any return of any execution, which the plaintiff or plaintiffs, his, her or their attorney, shall suggest to the court to be a false return, the court shall, forthwith, cause an issue to be made up to try the falsity of said return, and if the said return be found false, judgement shall be rendered against the said sheriff or coroner and his securities, or any or either of them, for the amount of money specified in the said execution, together with ten per centum damages on the amount of the said execution, and also the costs of suit.

SEC 3. And be it further enacted, That whenever any sheriff or coroner, to whom an execution shall have been delivered, shall fail to make the money on or before the first day of the term of the court, to which the said execution shall be returnable, and the plaintiff or plaintiffs, his, her, or their attorney, shall suggest to the court, that the money could have been made, by the said sheriff or coroner, with due diligence, it shall be the duty of the court, forthwith,

Deeds, &c.

Compensation.

Repealing clause.

C't may render judgment in certain cases.

False returns; how proceeded against.

Judgments, how rendered against defaulters.

to cause an issue to be made up to try the fact; and if it shall be found by the jury, that the said money could have been made by the sheriff or coroner, with due diligence, judgment shall be rendered against the said sheriff or coroner, and his securities, or any or either of them, for the sum of money specified in the said execution, together with ten per centum, on the amount of the said execution, as damages, and also the costs of suit.

SEC. 4. And be it further enacted, That it shall, and my Attachments, be lawful for the court, to which an execution shall be re-how issued turnable, to issue an attachment against any sheriff or cor-in certain ca- oner, who shall have received any execution, and failed to ses. return the same ; and also to issue an attachment against any person who shall, as clerk or sheriff or coroner, have collected or received money upon any execution, and fails to pay over the same; upon its appearing to the court that the party, thus failing, has had one day's notice of the motion to be made for the said attachment.

SEC. 5. And be it further enacted, That whenever the of- fice of sheriff, in any county, shall become vacant, it shall Vacancy of be lawful for the coroner of the said county to perform all sheriff's of- the duties imposed, by law, upon the sheriff of the several fice, by whom counties, under all the penalties and liabilities created by titled. law for a violation or neglect of duty by the several sheriffs.

(Approved, January 12, 1826.)

AN ACT

To authorize Sheriffs to serve notices.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That all notices in writing, which may be necessary or proper to be given by either plaintiff or defendant in any suit, either at common law or in chancery, may be served by the sheriff of any county, and that the return of the sheriff, of the service of the same, shall be good and sufficient in any court of record in this state.

Sec. 2. And be it further enacted , that the sheriff of the several counties in this state shall have and receive the sum of fifty cents for each notice served by them, by virtue of this act. [Approved Jan. 14, 1826.]

AN ACT

To authorize the appointment of a clerk of the supreme court; and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, Clerk, how That the Judges elect, or a majority of them, of the circuit appointed. courts of the state of Alabama, be and they are hereby authorized immediately after the passage of this act, to appoint a clerk of the supreme court, who shall hold his office during five years, but be removable at any time for misbehaviour in office, two-thirds of the Judges of the supreme court concurring in such removal.

Sec. 2. And be it further enacted, That all clerks of the supreme court, who may hereafter be appointed, shall execute a bond with good and sufficient security, to be approved of by the Judges of the said circuit courts, and in such sum as they or a majority of them may direct, conditioned for the faithful performance of the duties of said office: Provide nevertheless, that a majority of said Judges may at any time require said clerk to give additional or other security, and if said clerk shall fail so to do within a reasonable time, to be prescribed by the court, the said office shall be thereby vacated.

Clerk, here
after, to be ap-
pointed, to
give bond.

Sec. 3. And be it further enacted, That said clerk of the said supreme court shall receive for his services, such compensation as is now allowed by law.

How com-
pensated.

Sec. 4. And be it further enacted, That a majority of the said Judges may at any time fill any vacancy in said office of clerk, and shall, or some one of them shall, administer such oaths of office, as may be prescribed by law, to said clerk, previous to his entering on the duties of his office.

Judges to fill
vacancies.

Sec. 5. And be it further enacted, That the clerk of the supreme court shall, within three months after the passage of this act, establish his office at Tuscaloosa at which place the said office shall be kept, and remain so long as the seat of government shall continue at said place.

Clerk to keep
his office at
Tuscaloosa.

Sec. 6. And be it further enacted, That this act shall be in force from and after its passage.

(Approved, December 31, 1825.)

AN ACT

For the better organization of the county court of Mobile county.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the county court of Mobile county shall be held from times, and no oftener, in each year, to wit, on the first Monday of February, May, August, and November, for the trial of civil and criminal causes; that the civil jurisdiction shall be confined to the trial of appeals from the decisions of justices of the peace, and no original jurisdiction in all cases arising from contract, where the amount in controversy shall not exceed on hundred dollars; that the criminal jurisdiction shall extend to all cases not capital; that it shall be the duty of all justices of the peace of said county, to make all recognizances that may be by them hereafter taken returnable to the said county court, unless the offence be capital, or unless the judge of the said county court shall direct the return to be made to the circuit court.

County
courts, when
to be held.

Jurisdiction
of, in civil
cases.

Sec. 2. And be it further enacted, That whenever, in the trial of any criminal case in the said county court, the party accused, or his counsel, shall except to any opinion by the judge of the said court, such exceptions shall be filed in writing with the clerk at the time of making them; and

Exception to
the court's o-
pinion, how
made.

an appeal from the opinion pronounced may be taken to the next circuit court to be held in the said county: Provided, that the party accused enter into satisfactory recognizance for his appearance at the said circuit court, or remain in custody: and, provided also, that the only point on which the said circuit court shall decide shall be the correctness or incorrectness of the said opinion excepted to; and if the same be affirmed, the judge of the said circuit court shall proceed to pass sentence according to law.

Sec. 3. And be it further enacted, That whenever judgments shall be rendered in civil cases by a justice of the peace of Mobile county, the appeal shall be taken to the county court in the manner now allowed by law, and not taken to the circuit court; and if the amount in controversy shall not exceed twenty dollars, exclusive of cost, the judgment of the said county court shall be final; and that no certiorari shall be to the judgment of the said justice of the peace of said county.

Sec. 4. And be it further enacted, That the number of jurors required to attend at the said county court of Mobile county be twenty-four; and that all acts, and parts of acts, repugnant to the provisions of this act, be repealed.

Sec. 5. And be it further enacted, That it shall be lawful for the judge of the county court of said county, to order the said court to be held at, and the offices of the circuit and county courts to be removed to, any place within the said county, whenever in his opinion the same may be expedient, from the prevalence of malignant disease in the city of Mobile. (Approved January 13, 1826)

AN ACT

To provide for the payment of Petit Jurors in the Counties of Blount, Montgomery, Mobile, and Baldwin; and for other Purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened,

That the petit jury in the counties of Blount, Montgomery, Mobile, and Baldwin, shall, in all cases on which verdicts shall be rendered by them, receive the sum of two dollars for each cause tried, to be paid by the plaintiff or successful party, at the time of rendering the verdict; and the sum so paid by the plaintiff, or successful party, shall be taxed and collected in the bill of costs for the use of the successful party.

Sec. 2. And be it further enacted, That the tax of two dollars on each suit now authorized by law to be taxed in the bill of costs, shall cease to be in force, so far as the same relates to suits hereafter brought in the circuit courts in the counties aforesaid.

Sec. 3. And be it further enacted, That all laws, and parts of laws, now in force, providing for the payment of petit jurors in the above-named counties, be, and the same are hereby repealed. (Approved January 7, 1826.)

AN ACT

In relation to the organization of Dale county.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, that the county courts of Dale county shall be held on the fourth Monday after the fourth Monday in March & Sept.

Co'ty Courts
when to be
held.

Sec. 2. And be it further enacted, that any person or person residing in the said county of Dale, may sue or be sued in the circuit courts for the counties of Henry and Covington, in the following manner, to wit; any person residing in that part of Dale county taken from Henry county may sue or be sued, plead or be impleaded in the circuit court for the county of Henry; and any person or persons residing in that part of Dale county, taken from Covington county may sue or be sued, plead or be impleaded in the circuit court for the county of Covington.

Persons in
Dale may sue
or be sued
in the circuit
court of Hen-
ry or Coving-
ton.

Sec. 3. And be it further enacted, that the circuit court for the count of Henry shall have jurisdiction over all criminal offences in that part of Dale county taken from Henry county; and the circuit court for the county of Covington shall have jurisdiction over all criminal offences in that part of Dale county taken from Covington county.

Jurisdiction
of the circuit
court of Hen-
ry.
Of the cir-
cuit court of
Covington.

Sec. 4. And be it further enacted, that nothing contained in this act, shall be so construed as to prohibit the county courts of Dale and Henry counties from permanently locating their respective court-houses in pursuance of the existing laws.

Dale and Co-
vington retain

Sec. 5. And be it further enacted, that this act shall remain in force until the end of the session of the general assembly to be holden in the year one thousand eight hundred and twenty-eight. [Approved Jan. 13. 1826.]

the power of
locating their
court-house.

AN ACT

To extend the Time for appointing Overseers of Roads, and Apportioners of Hands in this State; and for other Purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That from and after the passage of this act, the judges of the county courts of this state, and commissioners of revenue and roads, shall have power to appoint overseers of roads and apportioners of hands at any time after the third Monday in August, if they should fail to do it on that day; and if any vacancy should happen of overseer or aportioner, the judge and commissioners aforesaid shall have power to fill such vacancy until the third Monday of the succeeding August.

Overseers
may be ap-
pointed any
time after 3d
Mond'y of Au-
gust, if failed
to be done on
that day.

Sec. 2. Be it further enacted, That the appointments of overseers of roads, and apportioners of hands, made by the judge of the count court of Dallas county, and commissioners of roads and revenue, since the third Monday of August last, be and the same are hereby, legalized.

(Approved January 12, 1826)

AN ACT

To authorize the county courts of Dale and Henry counties to levy a tax on said counties, for certain purposes herein named.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened,

That it shall be the duty of the judge of the county court, and commissioners of roads and revenue, for the county of

Tax on Henry co. to pay for the state tax of said county, and the moneys arising from public build- ings. such tax shall be applied exclusively to the extinguishment of the debt now due to Robert Irwin and Pelatiah White-

hurst, for building the court-house and jail of said county.

To be con'd annually till the debt be discharged. SEC. 2. And be it further enacted, That it shall be the duty for the judge of the county court and commissioners of roads and revenue of the county aforesaid, to levy annually on the said county a tax of twenty per cent. until the debt due as aforesaid shall be discharged.

Tax on that part of Dale taken fr. Hen- ry for same purpose. SEC. 3. And be it further enacted, That it shall be the duty of the judge of the county court and commissioners of roads and revenue for the county of Dale, to levy on that part of Dale county taken from Henry county, a tax of twenty per cent. for the satisfaction of the debt specified in the first section of this act.

To be contin- ued annually. SEC. 4. And be it further enacted, That the judge of the county court and commissioners of roads and revenue of Dale county, shall levy annually a tax of twenty per cent. on that part of Dale county, mentioned in the preceding section, until the debt due as aforesaid shall be discharged.

Other taxes may be levied for co. purposes. SEC. 5. And be it further enacted, That nothing contained in this act, shall be so construed as to deprive the county courts of Dale and Henry counties, of the power of levying such a tax on their respective counties as they may deem necessary for ordinary county purposes.

(Approved, January 11, 1826.)

AN ACT

To repeal in part and amend an act entitled an act to increase the compensation of jurors, passed the 31st of December, 1823.

Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That so much of the fourth section of said act, as makes it the duty of the proper officers to draw and summon forty-eight jurors to attend each circuit court to be holden for the counties of Pickens, Marion, Covington, Fayette and Walker, be and the same is hereby repealed; and in lieu thereof there shall be drawn and summoned to attend each circuit court, in said counties, and in the manner heretofore pointed out by law, thirty jurors for each of the counties of Pickens, Marion and Covington, and twenty-four for each of the counties of Fayette and Walker; any law contravening the provisions of this act notwithstanding. And this act shall be in force from the first day of February next.

(Approved, January 12, 1826.)

AN ACT

To provide for the appointment of an overseer in the towns of St. Stephens, Rodney, and Franklin.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That it shall be the duty of the county court for the county of Washington, at its first session after the passage of this act, or so soon thereafter as practicable, to appoint an overseer of roads for the towns of St. Stephens, Rodney, and Franklin, who shall be liable to all the penalties and duties, and have all the powers prescribed by law for overseers of roads.

SEC. 2. And be it further enacted, That all persons residing within the limits of the said towns, shall be liable to work upon the streets in the said towns in the same manner and for the same length of time, and under the same penalties, as they would be liable to work upon the public roads in case they resided without the limits of any incorporated town.

SEC. 3. And be it further enacted, That it shall be the duty of the said county court to appoint an overseer of the highways in said town once in twelve months, and oftener if it should deem it necessary. (Approved Dec. 28, 1825.)

AN ACT

To alter the times of holding the county courts in the county of Morgan.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the county courts for the county of Morgan in this state, shall hereafter be held at the court-house in the town of Sommerville, on the fourth Monday of February and August, in each and every year, instead of the second Mondays of January and July as now fixed by law, and each session shall continue twelve judicial days, unless the business thereof shall sooner be completed.

Sec. 2. And be it further enacted, That all suits, motions and other business, which would stand for trial, transaction and determination, at the county court for the said county of Morgan, to commence on the second Monday of January next, were it not for the passage of this act, shall stand for trial, transaction and determination at the said county court of Morgan county, to commence on the fourth Monday of February next, by force and virtue of this act.

Sec. 3. And be it further enacted, That all writs, subpoenas, and other process, which now are, or may hereafter be made returnable to the said county court of Morgan county on the second Monday in January next, shall by force and virtue of this act, be returnable to the said county court of Morgan county on the fourth Monday in February next, and all parties and witnesses required or summoned to appear at said county court on the second Monday of January next, shall by force and virtue of this act, be bound to attend said county court on the fourth Monday of February next.

(Approved, December 20, 1825.)

Persons, how
liable to work
on streets.

Further duty
of the county
court.

Co'ty courts
when to be
held.

All suits, motions, &c. to
stand for trial
on the fourth
Monday of
February.

All writs, subpoenas, &c. to
be returned
on the fourth
Monday of
February.

AN ACT

To alter and amend an act, entitled an act to establish the Seat of Justice in the County of Autauga, passed 22d Nov. 1819.

Judge of the county court, and commissioners, to fill vacancies in certain cases. SECTION 1. Be it enacted by the Senate and House of Representatives, of the State of Alabama, in general assembly convened, That the judge of the county court and commissioners of roads and revenue of said county, shall have full power to fill all vacancies which may now exist or hereafter occur in the board of commissioners, appointed by the first section of the act to which this is an amendment, in such manner and at such time as they may think proper.

Commissioners to execute title. SEC. 2. And be it further enacted, That the said commissioners or a majority of them, shall have power in addition to their former powers, to receive and execute titles to all such parcel or parcels of land as they may have purchased, sold, or received as a donation to the county.

Further duties of the commissioners. SEC. 3. And be it further enacted, That the said commissioners shall be required to make a report of their proceedings, and the situation of their accounts, to the judge of the county court, and commissioners of roads and revenue of said county, annually, at their session next proceeding the time appointed by law for electing the assessor and collector, and that such report shall be filed in the clerk's office of said court.

To transfer all papers to the clerk of the county court. SEC. 4. Be it further enacted, So soon as said commissioners shall have completed the duties required of them by the act to which this is an amendment, they shall transfer to the office of the clerk of the county court all papers relative to the performance of the duty for which they were appointed, as well as all titles for land and claims for property which they may hold belonging to said county, and that thereafter, the judge and commissioners of roads and revenue, shall have power to execute all titles to land which the aforesaid commissioners are by this act authorized to make.

(Approved January 13, 1826.)

AN ACT

To authorize the judge of the county court of Washington county and commissioners of revenue and roads, to levy a special tax for the purpose therein mentioned, and for other purposes.

Judge, &c. of the county court to levy a tax. Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That the judge of the county court of Washington county and the commissioners of revenue and roads, be, and they are hereby authorized to levy a special tax in said county, to be by them appropriated to the payment for building a jail in said county of Washington; and that said special tax shall not exceed thirty-three and one-third per cent. on the state tax of said county.

Repealing clause. Sec. 2. And be it further enacted, That all laws heretofore passed authorizing the county court of said county of Washington to levy special taxes, be and the same are hereby repealed. (Approved January 7, 1826.)

AN ACT

To authorize the raising by Lottery a sum of money for the purposes therein specified.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened, That the judges of the county courts of Baldwin and Butler counties, be, and each of them are hereby authorized and required to appoint two commissioners, with power and authority to raise by lottery the sum of thirty-five hundred dollars to be laid out in the improvement of the road leading from Fort Dale, in Butler county, by the way of Durants, to the town of Blakeley, in Baldwin county.

SEC. 2. And be it further enacted, That of the sum thus raised, one thousand dollars shall be laid out in making, and repairing the road from Fort Dale to Durants, and the residut of the said sum in constructing the road from Durants to the town of Blakeley, under the direction of the commissioners of roads and revenue, for the counties aforesaid.

SEC. 3. And be it further enacted, That the commsissioners who shall be appointed by this act, shall, before they enter upon the discharge of their duties, execute a bond payable to the judge, by whom they shall be appointed, in such sum as he may direct, with security to be by him approved for the faithful discharge of the duties required of them by this act. (Approved January 7, 1826.)

AN ACT

Authorizing the county court of Limestone county to make certain allowances therein named.

Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the judge of the county court, and the commissioners of roads and revenue, of Limestone county, be, and they are hereby, authorized to allow the commissioners of the public buildings in said county, such compensation as to said court may seem right, for their attention and trouble in superintending the same, payable out of the county treasury of said county. (Approved December 20, 1825.)

AN ACT

To change the time of holding the county courts in the county of Shelby.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the county court for the said county of Shelby, shall hereafter be holden on the third Mondays in February and August, at the court-house in the said county of Shelby; and that all process and other papers now returnable to the said county court, on the second Monday in January next, are by this act made returnable to the third Monday in February next, as established by this act.

Sec. 2. And be it further enacted, That all laws contrary to the provisions of this act be, and the same are, hereby repealed. (Approved December 20, 1825.)

Lottery au-
authorized.

Money, how
appropriated.

Commission-
ers to enter
into bond.

Judge, &c. of
county court,
to pay com-
missioners.

Co'ty courts
when and
where held.

AN ACT

To locate permanently the seat of justice in the county of Shelby.

Certain places to be voted for the seat of justice

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That Henry Harlesses, Thomas W. Smiths, in Cabawba Valley, John Howards, in Coosa Valley, or within two miles of each or either of them, be, and they are hereby designated as, eligible sites, to be voted for as the permanent seat of justice for the said county of Shelby.

Sh'ff to hold an election to hold for a site.

Sec. 2. And be it further enacted, That it shall be the duty of the sheriff of the said county of Shelby, and he is hereby required, the sheriff of the said county of Shelby, and he is hereby required, to hold an election, on the first Monday of May next, at the several election precincts in the said county of Shelby, to be conducted strictly pursuant to the election laws now in force regulation the general elections in this state: Provided, That the said sheriff shall give fifteen days notice, advertising the time of holding said election, putting in nomination the several places to be voted for, by embodying the first section of this act into said advertisement.

Sheriff authorized to receive propositions in favour of the different sites

Sec. 3. And be it further enacted, That the friends of the above designated points, or either of them, be, and they are hereby, permitted to hold out such inducements to the county as they may think proper, in favour of any, or all, of the above named sites, by donation or otherwise; and the said sheriff is hereby authorized and required to receive all such propositions in favour of any, or all, of them, made as aforesaid, to be void on the condition that the said court-house is not permanently located on such site or sites.

Sh'ff to give notice of propositions in favour of different sites.

Sec. 4. And be it further enacted, That it shall be the duty of the sheriff of the said county, to advertise, at the same time and places inof advertising the said election to be held as aforesaid, all such propositions as he may have received in favour of any one, or all, of the above designated points, stating the amount of such donation.

Sh'ff to give notice on a second election.

Sec. 5. And be it further enacted, That if, on comparing the poles of said election, it shall appear that no place nominated as aforesaid, shall have received a majority of all the votes given in at said election, it shall then be make the duty of the sheriff of the said county, to hold a second election, subject to the same rules and regulations as provided for in the foregoing section of this act, giving ten days' notice, putting in nomination the two places voted for as aforesaid having received a plurality of votes at the said second election, shall be the permanent seat of justice for the said county of Shelby.

Sheriff to return the site elected to the judge of the county court

Sec. 6. And be it further enacted, That, after the said election, or elections., to be holden as afore said, it shall be make the duty of the sheriff of the said county forthwith to return the site elected to the judge of the county court for the said county of Shelby, who shall, upon receiving such return, proceed to, and he is hereby required to , appoint five good and competent commissioners, living contiguous to, or in, the neighbourhood of the said seat of justice, whose duty it shall be, and they are hereby authorized, or a majority of them, on receiving notice of such appointment, to proceed to dispose of any, and all, such real estate as the county may have received by donation, purchase, or otherwise, so as to promote the interests of the said county; and shall further have power and authority to contract for all the necessary public buildings for the said county; shall have direction of their several constructions, and

superintend; reject, or receive the same when completed.

Sec. 7. And be it further enacted, That the commissioners, appointed as aforesaid, shall meet and enter upon the duties Commission- herein assigned them, as early as practicable after notice of such ers to be appointment; Provided, That the said commissioners, before sworn. entering on their duties, shall take and subscribe the following oath or affirmation, before some justice of the peace for the said county: to wit, "I — — , do solemnly swear, (or affirm, as the case may be) that I will well and truly perform all the duties required of me by this act, as commissioner for the said count of Shelby, to the best of my knowledge and ability, without favour or partiality: So help me, God."

Sec. 8. And be it further enacted, That it shall be the duty Judge of the of the judge of the county court to fill all such vacancies as may county court occur by the death, resignation, or refusal to act, of any of the to fill vacan- commissioners appointed by this act, who shall be vested with all cies in the the powers and privileges of, and subject to the same restrictions board of com- and regulations that their predecessors were subject to. missioners.

Sec. 9. And be it further enacted, That the commissioners, to be appointed by the judge of the county court as aforesaid, or such Commission- of them as may perform the duties herein required, shall each re- ers, how com- ceive, as compensation for their services, one dollar per day for pensated. each day they may be necessarily employed in performing that duty; which compensation shall be paid out of nay monies in the county treasury, not otherwise appropriated: Provided, That they shall first apply to the clerk of the county court, give in on oath the number of days he or they may have been necessarily employes as aforesaid, and shall receive a certificate from the clerk to that effect.

Sec. 10. And be it further enacted, That all laws, now in force, contrary to the provisions of this act, be, and the same are hereby, Repealing repealed. [Approved January 11, 1826.] clause.

AN ACT to appoint a commissioner for the town of Montecello in the county of Pike, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Repre- Commission- sentatives of the State of Alabama in general assembly convened, ers appointed That Abraham Miles be and he is hereby appointed a commissioner for the town of Montecello, in Pike county, in lieu of Wm. Cox resigned.

Sec. 2. And be it further enacted, That the count court of Pike count- Co'ty court of ty shall hereafter be held on the first Mondays in June and December. Pike, when

Sec. 3. And be it further enacted, That Henry M'Pherson, Ho- held. seph D. Harrison and George D. Staton, be and are hereby appointed commissioners to superintend the public building at the seat of Commission- justice for the county of Blount, in the place of Wm. Gilbreath, Dan- ers for Blount, iel M'Pherson and Wm. Davis, removed from said county. their duty.

[Approved Dec. 20, 1825]

AN ACT authorizing the County Court of Morgan County to make a certain allowance therein mentioned.

Section 1. Be it enacted by the Senate and House of Represen- Judge of the tatives of the state of Alabama, in general assembly convened, county court, That the judge of the county court and commissioners of revenue to pay com- and roads of Morgan county, be, and they are hereby, authorized missioners. to make such allowance, as they may deem proper, as compensation to the commissioners who selected the seat of justice, and superintended the public buildings in said county.

Sec. 2. And be it further enacted, That the said court be authorized to draw upon the county treasurer for the same.
(Approved, December 28, 1825.)

AN ACT

To alter the time of holding the county courts of the county of Greene.

Co'ty,
when to be
held.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That the county courts of Greene county shall hereafter be held on the first Mondays in June and November in each and every year.

Sec. 2. And be it further enacted, That all process of every kind, now make returnable to the term of said court, as now established, or which may hereafter be issued, shall lie, and be triable at the term of the court hereby established, in the same manners as if this act had not been passed.

(Approved January 12, 1826.)

AN ACT

Authorizing the citizens of Sommerville, to elect a Justice of the Peace.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That there shall be an election holden in the town of Sommerville, Morgan county, at the time and place of electing trustees for the incorporation of said town, to elect a justice of the peace who shall be a citizen of said town.

Who may
vote.

SEC. 2. And be it further enacted, That the qualified electors of the aforesaid trustees, shall be competent voters for said justice of the peace.

SEC. 3. And be it further enacted, That the justice so elected, shall be vested with like powers, receive like fees, and continue in office the same length of time that other justices of the peace do in this state.

Trustees to
fill vacancies.

SEC. 4. And be it further enacted, That when any vacancy occurs in said office, the trustees of said corporation shall thereupon hold an election to fill said vacancy in the manner aforesaid. (Approved Jan. 12, 1826.)

AN ACT to authorize the Judges of the Supreme Court to appoint a temporary clerk.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened, That the Judges of the Supreme Court, be and they are hereby authorized to appoint a clerk of the said court, to continue in office until the election of Judges, which is to be held during the present session of the general assembly, and until a clerk shall be duly appointed by them and qualified according to law. (Approved Dec. 14, 1826.)

AN ACT reserving from sale the University Lands in the County of Tuskaloosa.

Sec. 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That so much of the lands of the university of Alabama as lie in the county of Tuskaloosa, be, and the same is hereby reserved from sale or entry, and that so much of the laws now in force as contravenes the provisions of this act, be and the same is hereby repealed. (Approved, January 9, 1826.)

To amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, Mayor and Aldermen to constitute the corporation. Their number and qualifications. How and by whom elected.

That the corporation of the city of Mobile shall be constituted of a mayor and six Aldermen, residents of the city, over twenty-one years of age, and each of whom shall be seized of a free-hold estate within the corporate limits of the said city; the said Mayor and Aldermen to be elected annually by ballot, in a general ticket, on the fourth Monday of March by the free white citizens of the United States, who have resided in the city one year previous to the election, and have paid taxes to the city on their real or personal estate: the municipal year to commence on the first Monday of April in each year.

SEC. 2. And be it further enacted, that the Mayor and Aldermen first to be elected under this act, be and they are hereby authorized, in their discretion, by ordinance, to divide the city into three or more wards, as they may deem expedient, and as nearly equal, in respect to population, as may be practicable, and to provide for the future election, annually on the fourth Monday of March, of two or more Aldermen from each of the said wards, not to exceed nine in all: Provided always, that the Aldermen to be elected, shall be residents of the wards for which they may respectively be chosen, and shall possess the qualifications required by this act for Aldermen: and provided also, that the qualifications of the electors of Aldermen for the several wards aforesaid, shall be the same as are required for electors of aldermen by general ticket; and until the city shall be divided into wards as aforesaid, the present mode of conducting elections for aldermen, shall continue in force in all future elections of Mayor and aldermen of the said city; the person voted for as mayor being designated on each ballot.

Mayor and Aldermen to be elected. Authority to divide the city into wards. Aldermen to be chosen from each ward.

SEC. 3. And be it further enacted, that whenever the city shall be divided into wards as herein provided, the ballots of the qualified voters for aldermen in each of the said wards shall be received in a separate box for Mayor, and after the closing of the polls, and the counting of the votes for aldermen, the inspectors or judges shall meet at the place of holding the election of aldermen, and shall there count the votes taken for the several candidates for Mayor, the certificates of which inspectors or judges stating the number of votes taken and who is the highest on the list; the said certificate being filed with the clerk of the Mayor and aldermen, shall be conclusive evidence as to who is elected mayor of the said city.

Proviso. Elections, how to be conducted.

SEC. 4. And be it further enacted, That each person who shall be elected Mayor or aldermen of said city, under this act, shall before entering on the duties of his office take the following oath, before any judge or justice of the peace

Their oath

within the county of Mobile. "I, — — , do solemnly swear, that I will truly execute the duties of Mayor or alderman, (as the case may be) of the city of Mobile, as prescribed by the act incorporating the said city, and the amendments thereto, and that on the first Monday of April, the said Mayor and aldermen shall meet at some convenient place within the city of Mobile, and there organize; and that

What num- any four out of the whole number of Mayor and aldermen, ber to consti- shall be a quorum to do business, until the whole number tute a quorum shall amount to more than seven, when a quorum shall consist of not less than five.

Powers of the Sec. 5. And be it further enacted, that the Mayor and al- corporation dermen of the said city shall have authority to fill up, cleanse and purify all lots and parcels of ground whatsoever within said city, whenever in their opinion, it may become necessary, in case the owner or owners thereof, or his, her or their agent neglect to do so, at the expiration of suitable notice; and if the expense incurred thereby, be not repaid to said city, on demand, or after notice or publication in some newspaper printed in said city, the said Mayor and aldermen shall have power and they are hereby invested with full power and authority to lease out at public auction, the lots or parcels of ground, so filled up, cleansed or purified, for so long a time, as shall be necessary, to raise a fund sufficient for that purpose.

Assessors and Sec. 6. And be it further enacted, That the assessors and tax collectors collectors of the said city shall hereafter be free-holders within the corporate limits of said city.

Mayor and Sec. 7. And be it further enacted, That the Mayor or any Aldermen to alderman of the said city, shall have authority, concurrent have equal with justices of the peace, for arresting and committing to power with prison, deserting seamen or mariners from vessels in mer- Justices of chant's service, under the provisions of an act passed at the the Peace in fifth annual session of the general assembly, entitled an act certain cases. in relation to seamen belonging to vessels in merchants' service. (Approved Jan. 9, 1826.)

AN ACT

For the relief of the principal Pilots of Mobile Bay.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That so much of the tenth section of an act, entitled an act for the government of the port and harbour of Mobile, passed the twenty-third of December, one thousand eight hundred and twenty-two, as empowers the harbour-master and wardens of the port of Mobile, to demand of, and receive from the principal pilots of Mobile Bay, five per cent. from the proceeds of their pilotage fee, and the same is hereby repealed.

When to take Sec. 2. And be it further enacted, That this act shall be effect. in force from and after the passage thereof. (Approved December 12, 1825.)

Repealing clause.

AN ACT

Establishing Schools in the County of Mobile.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That a board of commissioners, by the name and style of "The Mobile School Commissioners," be, and the same is hereby established in said county, who shall have full power and authority to establish and regulate schools, and to devise, put in force, and execute such plans and devises for the increase of knowledge, educating youth, and promoting the cause of learning in said county, as to them may appear expedient.

Board of
school com-
missioners
established.

General pow-
ers.

Sec. 2. And be it further enacted, That all lands, grants and immunities already conferred, or which may hereafter be conferred, on the inhabitants of said county, or of any city, town, or township therein, for purposes of education, either by the United States or this State, shall be, and the same are hereby, placed under the direction, management, and control of said commissioners.

Lands, grants
&c. under the
control of the
commission-
ers.

Sec. 3. And be it further enacted, That the revenues accruing to the treasury of said county form the following sources: to wit—from "An Act concerning the Revenue of Mobile County," passed at the sixth annual session of the General Assembly, from fines, penalties, and forfeitures, other than those arising under "An Act concerning road, highways, bridges, and ferries in Mobile county," from the tax-fee of Two Dollars on all suits in the circuit and county courts of said county; together with twenty-five per centum of the ordinary county tax of said county, be, and the same are hereby, appropriated, and set apart, as a special fund for the endowment and support of schools in the said county of Mobile: and it is hereby made the duty of the county treasurer to pay over the monies herein appropriated, and set apart, as a special fund, quarterly, to such officer, or person, as the said board of commissioners may, by their by-laws, appoint, to receive the same.

Fines, &c.
vested.

Sec. 4. And be it further enacted, That the said board of commissioners be, and they are hereby, authorised to select a section of land contiguous to the section number sixteen, in the township in which the city of Mobile is situated, in lieu of said section, which is covered by private claims under grants of the Spanish Government, and to procure the location of the section so selected, in the manner prescribed by the act of Congress on that subject.

Commission-
ers authoriz-
ed to select
land.

Sec. 5. And be it further enacted, That the said board of commissioners may appoint and employ a treasurer, and such other officers and servants as to them may appear proper, who shall perform such duties, and give such bonds as may be required of them by the said board.

Authorized
to appoint of-
ficers.

Sec. 6. And be it further enacted, That the number of commissioners shall not be less than thirteen, nor more than twenty-five; and the board shall have power to make,

Their num-
ber and pow-
ers.

and put in force, such by-laws and regulations, not inconsistent with the laws of this State or of the United States, as to them may appear expedient, and the same to revoke and alter, and to prosecute all suits and actions in their corporate name, in the same manner as private persons.

Term of of- Sec. 7. And be it further enacted, That the commission-
fice, &c. ers hereinafter named shall continue in office for the term
of five years; and from thence until the next general elec-
tion for Representatives to the General Assembly, at which
time, and at every fifth year thereafter, there shall be elec-
ted the requisite number of commissioners to complete the
board; and if a vacancy occur at any time in the board,
Vacancies, how filled. the same may be filled by the vote of a majority of the
commissioners then in office, and the members thus added
What num- shall hold their offices for the remainder of the term; and
ber shall con- any seven members at a regular meeting shall constitute a
stitute a quo- quorum to do business.
rum.

Commission- Sec. 8. And be it further enacted, That the following
ers. persons be, and they are hereby, constituted members of
said board of commissioners: to wit—Addin Lewis, Silas
Dinsmoor, Moses Murphy, Henry V. Chamberlain, Samuel
H. Garrow, Henry Stickney, Joseph W. Moore, Samuel
Acre, David Rust, Benjamin J. Randall, William Hale,
Solomon Mordecai, Ezekiel Webb, Lewis Judson, John
F. Everitt, Hugh H. Rolston, Peter H. Hobart, William
King, Elijah Montgomery, Samuel Newton, James John-
ston, Lud W. Harris, Abner S. Lipscomb, and Henry
Hitchcock. (Approved January 10, 1826.)

AN ACT concerning Taxes in Mobile county.

Judges, &c. Section 1. Be it enacted by the Senate and House of Repre-
of co'ty court sentatives of the state of Alabama, in general assembly convened,
no to levy That hereafter it shall not be lawful for the judge of the coun-
ty court, and the commissioners of roads, and revenue of
more than fif- Mobile county, to levy more that fifty per centum on the a-
ty per cent. mount of the state taxes of said county, under the provi-
on the state sions of an act to authorize the judge of the county court,
tax. and the commissioners of roads and revenue of Mobile
county to levy an extra tax for building a court-house and
a jail in said county, and for other purposes passed the
thirty-first of December on thousand eight hundred and
and twenty-three.

Repealing Sec. 2. And be it further enacted, That so much of an
clause. act passed at the last session of the General Assembly,
entitled "an act concerning the revenue of Mobile county,"
As imposed a tax of one hundred dollars on all theatrical
representations be, and the same is hereby, repealed; and
the judge of the county court, and the commissioners of
roads and revenue of said county, are hereby authorized,
at their discretion, to refund the amount of any license here-
tofore paid for theatrical representations in said county.

(Approved January 7, 1826)

AN ACT

To authorize certain Persons therein named to raise by Lottery a certain sum of money for the purposes therein contained.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Anthony Winston, David Keller, Philip Godly, Samuel Bell, and William S. Gray, are hereby authorized and invested with full power and authority to raise by lottery the sum of three thousand dollars, to be laid out in the improvement of the Military Road leading from Russellville, in Franklin county, to Tuscumbia, in said county.

Lottery authorized.

Sec. 2. And be it further enacted, That the sum thus raised shall be laid out, under the direction of the judge of the county court and commissioners of revenue of Franklin county, in repairing and putting in good order said road between the aforesaid points.

Money raised by whom, and how appropriated.

Sec. 3. And be it further enacted, That the commissioners, appointed by this act, shall, before they enter upon the discharge of their duties assigned them, execute a bond payable to the judge of the county court of Franklin county, in such sum as he may direct, with security to be by him approved, for the faithful discharge of the duties required of them by this act.

Commissioners to enter into bond.

(Approved January 10, 1826.)

AN ACT

Respecting buoys and other land marks in Mobile Bay.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That if any person or persons shall wantonly destroy, remove, or injure any of the buoys, takes, land-marks, or signals now established, or which may hereafter be established, under the authority of the collector, or other officers of the customs, or of the harbour-master and wardens of the port of Mobile, at the entrance or within the harbour or Mobile Bay, the person or persons so offending shall, upon conviction thereof in the circuit court of Mobile county, be fined in a sum not exceeding Five hundred Dollars, or be imprisoned for a term not exceeding three months, at the discretion of the court before which such conviction shall be had.

Penalty.

(Approved January 13, 1826.)

AN ACT

To change the time of selling property levied upon by executions.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That all sales of property now required to be sold on the first Monday, Tuesday and Wednesday in every month, shall hereafter be sold on the first Monday in every month, and that all sales made hereafter by any sheriff, coroner or constable shall be made between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon.

Property, when sold.

(Approved, Jan. 13, 1826.)

For improving the Navigation of the Port and Harbour of Mobile.

Section 1. Be it enacted by the Senate and House of Represen-

Harbour mas-
ter and war-
dens declared
a board of
commission-
ers. that the harbour-master and wardens of the port of Mobile be, and they are hereby, declared a board of commissioners for the purpose of improving the navigation of Mobile River and the Passes thereof, extending from the city of Mobile to the ship-channel, leading from Dog River bar in the harbour of Mobile to the junction of Spanish and Tensaw Rivers, with full power and authority to appoint a treasurer, and a secretary who shall perform such other duties as may be required of him by the board and to ordain, establish and put in force such bye-laws, rules and regulations, not contrary to the laws of this State or of the United States, as to them may seem necessary or expedient.

Commission-
ers to appoint
surveyors. Sec. 2. And be it further enacted, That the said board of commissioners be, and they are hereby, authorized and required to employ one or more persons of competent skill to explore and survey that part of Mobile River, and one or both of the passes thereof, extending from the city of Mobile to the ship-channel aforesaid, for the purpose of ascertaining the obstructions to the navigation thereof, and how far it may be practicable to remove the same, and the probable expense thereof; and the person or persons so employ-

Duty of sur-
veyors. ed shall make correct draughts or plots of the said survey, and an estimate on the probable expense of removing the said obstructions, and report the same in writing to the board, who shall, thereupon, take such measures as to them shall appear meet for removing such obstructions, so as to admit the direct and ready access to the city of Mobile, by one or both of the aforesaid passes, of vessels of any draft of water that can pass Dog River bar.

Collector of
the customs,
his duties. Sec. 3. And be it further enacted, That the collector of the customs for the port of Mobile be, and he is hereby, authorized and required to demand and receive from the master, owner, consignee, or agent of any and every vessel arriving at, or departing from, the port or harbour of Mobile, drawing, when fully laden, more than seven feet water, the sum of five cents per ton of each and every such vessel, at the time of her arrival at, and departure from, said port or harbour; and it shall be the duty of the master or commander of every vessel arriving at, and departing from, the said port or the said harbour, both on his arrival and on his departure, to de-

Master, &c.
to give in on
oath the ton-
nage of ves-
sels. clare on oath, at the office of the said collector, the draft of water and the tonnage of the vessel so commanded or navigated by him; the term of which oath shall be as follows: "I, A. B. master or commander of the ----- or vessel, called the ----- of-----, do solemnly swear, that the draft of water of said vessel is-----feet; and that her tonnage, when fully laden, is -----tons: So help me, God." And, if the master or commander of any vessel so arriving at, or departing from, the said port or harbour, shall refuse or neglect to comply with the provisions of this act, he shall incur a pen-

Penalty. alty of one hundred dollars, to be recovered with costs of suit, by said collector, in any court having competent jurisdiction thereof; which said penalty, when recovered, shall be applied to the uses and purposes herein after provided for.

Lottery au-
thorized. Sec. 4. And be it further enacted, That the board of commissioners aforesaid be, and they are hereby, authorized and empow-

ered to raise, by lottery, in one or more classes, as to them may

seem necessary and convenient, and also by subscriptions or donations, such sum or sums of money, not exceeding in the aggregate, the sum of twenty-five thousand dollars; which sum, together with such sum or sums as may arise from the tax or impost on tonnage laid in the preceding section, and from the penalties which may be recovered for a violation of the provisions contained in this act, as also such sum or sums as may, from time to time, be granted by the general assemble of the state, in aid of this object, be, and the same are hereby appropriated exclusively to the performance of the above mentioned work, and to the payment of the expenses incident thereto; and for that purpose, the same are hereby vested in the said board of commissioners and their successors in office, to be by them applied as herein directed: and the said collector of the customs for the said port of Mobile, is hereby authorized and required to pay the proceeds arising from the aforesaid tax or impost, and from forfeitures accruing under this act, to the said board of commissioners or their order, deducting and retaining for his the said collector's services and expenses in collecting, receiving, and paying over the same, two per centum on the amount so paid over by him.

Proceeds of
lottery and
fines, how
appropriat-
ed.

Further duty
of the collec-
tor.

Sec. 5. And be it further enacted, that so soon as the Pass or Passes of that part of Mobile River aforesaid, shall be fully cleared, and the obstructions removed therefrom, as far as the same may be practicable in the opinion of the said commissioners, they shall give notice thereof to the collector of the customs aforesaid; and the tax on impost, so laid in the third section of this act, shall thenceforward cease and determine: Provided always, That whenever the said Pass or Passes of that part of the River Mobile aforesaid, shall again become obstructed, it shall be the duty of the said commissioners, on being duly informed of the fact, to give three months' public notice thereof, at the expiration of which time, the said tax or impost on tonnage shall be revived and collected as before, and be applied to the removal of such obstructions until a sufficient sum shall be obtained to accomplish the same: when it shall again cease and determine, on notice thereof being given to the collector of the customs aforesaid; and the said board of commissioners are hereby authorized to revive said tax or impost from time to time, and for such periods as they may deem necessary, by giving notice of such revival as aforesaid, in order that the said Pass or Passes, and the said River, within the limits aforesaid, may always be kept clear from obstructions.

Duty of com-
missioners.

Sec. 6. And be it further enacted, That the said board of commissioners are hereby required to cause correct accounts of the receipts and expenditures, under this act, to be kept; and to report thereon in writing, with the progress made in effecting the object contemplated by this act, to be mad annually to the general assembly of this state; which report and accounts shall be published for the information and satisfaction of the publick.

Further duty
of commis-
sioners.

Sec. 7. And be it further enacted, That the said commissioners, before entering on the duties enjoined by this act, shall severally enter into bond in the penal sum of five thousand dollars each with security to be approved by the judges of the county court of Mobile county, or by the mayor of the city of Mobile, made payable to the governour for the time being, and his successors in office, conditioned for the faithful application of all monies which may

Commission-
ers to give
bond.

come into their hands under the provisions of this act: which bond shall be filed, in the office of the secretary of state, by the judge or mayor approving the same: and as a compensation for the services hereby required to be performed by the said commissioners, they be authorized to deduct and retain five per centum on all sums disbursed by them.

When this act to take effect. Sec. 8. And be it further enacted, that this act shall take effect from and after the passage thereof, except so much as requires the consent of the congress of the United States, which shall be in force as soon as said consent shall be obtained thereto: and his excellency the governour is hereby authorized and required to take measures for obtaining the same.

Repealing clause. Sec. 9. And be it further enacted, That an act for improving the navigation of the harbour and port of Mobile, passed the twenty-fourth of December, in the year one thousand eight hundred and twenty-four, be, and the same is hereby, repealed.
(Approved, December 20, 1825.)

AN ACT

To provide for the appointment of a Public Weigher for the town of Blakeley.

Judge of the county court of Baldwin to appoint a public weigher. Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the judge of the county court of Baldwin county be, and he is hereby authorized to appoint one or more suitable persons, not exceeding two, who shall be known as a public weigher for the town of Blakeley.

Public weigher to give bond. Sec. 2. And be it further enacted, That the public weigher to be appointed by virtue of this act, shall be required to give bonds to the same amount, payable to the judge of the County court of Baldwin county, for the faithful performance of the duties assigned him, and be subject to the same penalties and liabilities under the direction of the judge of the county court aforesaid, as the public weighers of the city of Mobile are subjected to by "an act authorizing the judge of the county court of Mobile county to appoint a public weigher for the city of Mobile." passed December thirty-first, one thousand eight hundred and twenty-two, and by an act, entitled "an act to alter and amend an act authorizing the judge of the county court of Mobile county to appoint a public weigher in the city of Mobile," passed December twenty-fourth, one thousand eight hundred and twenty-four.

Compensation. Sec. 3. And be it further enacted, That it shall not be lawful for any public weigher in the city of Mobile or town of Blakeley to charge for labor, marking, &c. but shall only be entitled to the sum of six and one-fourth cents for each bale so weighed by him.

Sec. 4. And be it further enacted, That this act shall be in force from and after its passage.

[Approved, January 10, 1826.]

AN ACT

To alter and amend the several laws now in force in this state to suppress the evil practice of duelling.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, Officers, &c. to take oath.

That all members of the general assembly, hereafter to be elected or appointed, under the authority of the constitution and laws of this state, and counsellors and attorneys at law, shall before they enter upon the discharge of the duties of their stations or offices, either civil, military or otherwise, take and subscribe one of the following oaths, as the case may be, (in addition to the oath prescribed by the constitution) before any judge of the circuit or county court, or any justice of the peace, who shall deliver such oath to the clerk of the circuit court for safe keeping. I, — — , do solemnly swear, or affirm (as the case may be) that I have, neither directly nor indirectly, given, accepted or knowingly carried a challenge in writing or otherwise, to any person or persons (being a citizen of this state) to fight in single combat or otherwise, with any deadly weapon, either in or out of this state, or aided or abetted in the same, since the first day of January one thousand eight hundred and twenty six; and that I will, neither directly nor indirectly, give, accept or knowingly carry a challenge in any manner whatsoever, to any person or persons (being a citizen of this state) to fight in single combat or otherwise, with any deadly weapon, in or out of the state, or in any manner whatsoever aid or abet the same, during the time for which I am elected, or during my continuance in office, or during my continuance in the discharge of any public function.

Sec. 2. And be it further enacted, That any person or persons, who has or have emigrated to this state since the first day of January one thousand eight hundred and twenty-six, or may hereafter become a citizen of this state, shall, before he enters upon the discharge of any public function, take and subscribe the following oath; I, — — , do solemnly swear or affirm (as the case may be) that I have, neither directly nor indirectly, given, accepted or knowingly carried a challenge in writing or otherwise to any person or persons, (being a citizen or citizens of this state) to fight in single combat or otherwise with any deadly weapon, either in or out of this state, or aided or abetted in the same, since I have been a citizen thereof; and that I will, neither directly or indirectly, give, accept or knowingly carry a challenge in any manner whatsoever, to any person or persons (being a citizen or citizens of this state) to fight in single combat or otherwise, with any deadly weapon, in or out of this state, or in any manner whatsoever aid or abet the same during the time for which I am elected, or during my continuance in office, or during my continuance in the discharge of any public function.

Late emigrants, before entering upon the duties of any office, to take oath.

Repealing clause. Sec. 3. And be it further enacted, That all acts or parts of acts coming within the meaning and perview of this act be and the same are hereby repealed. [Approved Jan. 7, 1826.]

AN ACT

To establish certain election precincts therein named.

Election pre- Sec. 1. Be it enacted by the Senate and House of Representatives
cincts in of the state of Alabama in general assembly convened, That the
Greene co'ty election precinct heretofore established at the house of Josh
discontinued Rodens in the county of Greene, be discontinued, and in
and new ones lieu thereof an election precinct established in the town of
established. Springfield: also, the election precinct heretofore establish-
ed at the house of Jacob Gillaspie in the aforesaid county
be discontinued and on in lieu thereof at the store of Da-
vid Morrow.

In Pickens Sec. 2. And be it further enacted, that there shall be an
additional election precinct in the count of Pickens at the
house of William Sanders: also, an additional election pre-
cinct in the aforesaid county at the house of Stephen Bennett.

In Shelby. Sec. 3. And be it further enacted, That the election pre-
cinct formerly held at the house of Abraham Smith, in Coo-
sa Valley, be hereby discontinued, and that in lieu thereof
an election precinct be established at the house of Henry B.
Robinson, In Coosa Balley, and that an additional election
precinct be established at the house of Robert Cardons in
Shelby county.

In Pike. Sec. 4. And be it further enacted, That there shall be an ad-
ditional election precinct in the county of Pike at the house
of Robert M. Patterson.

In Jackson. Sec. 5. And be it further enacted,, That the election pre-
cinct heretofore held at the house of John Read on Paint
Rock in Jackson county, be and the same is hereby discon-
tinued, and that an election precinct be and is hereby estab-
lished at the house of Shipman Read in said county.

In Montgo- Sec. 6. And be it further enacted, That there shall be an
mery. additional election precinct at the house of Jones Cook in
the fork of the Catoma creek in Montgomery county.

In Blount. Sec. 7. And be it further enacted, That the election pre-
cinct heretofore held at the house of Thomas A. Williams
be hereby discontinued, and that there be established one
election precinct at Morgan's Spring's, and one other at the
house of Abraham Stout in Blount county.

In Lauder- Sec. 8. And be it further enacted, That there shall be es-
dale. tablished by this act an additional election precinct at the
house of John Webb, near the town of Waterloo in the
county of Lauderdale.

In Morgan. Sec. 9. And be it further enacted, That the precinct elec-
tion heretofore established in Morgan county, viz. the one
at Craft and Holly's store, one at Mark Hardin's, one at
Centreville, one at Adam Torrence's, and the one at Col.
Francis Dancy's, be and the same are hereby discontinued,
and that the following election precincts in said county of

Morgan are hereby established, one at Cooksville or David Ballews, one at Elisha Green's, one at Eckford's bluff spring, one at H. B. Mithcell's store, and one at the store-house of Robert F. Houston.

Sec. 10. And be it further enacted, That the election precinct heretofore established at the house of John Leonard in the county of Madison, be discontinued, and that there be established in lieu thereof an election precinct at the house of George Johnson, at the cross roads in said county. In Madison.

Sec. 11. And be it further enacted, That there shall be established at the house of Moses Mills in the county of Autauga, one election precinct in addition to those heretofore established. In Autauga.

Sec. 12. And be it further enacted, That it shall be the duty of the assessor and collector for the county of Autauga to attend at the house of said Moses Mills for the purpose of assessing and collecting taxes, under the same requisitions as required by law, making it their duty to give notice, and attend the respective captain's districts. Duty of the tax-collector, &c. of Autauga county.

Sec. 13. And be it further enacted, That there shall be an additional election precinct established at the house of Dr. E. Burrows in Dallas county. In Dallas.

Sec. 14. And be it further enacted, That the election precinct now established at the house of John J. M'Elroy, be and the same is hereby discontinued, and one is hereby established at the house of James A. M'Elroy in township 15, range 8, in Dallas county. In Dallas.

Sec. 15. And be it further enacted, That hereafter there shall be an additional election precinct at the house of Thomas M'Gee in Marengo county. In Marengo.

Sec. 16. And be it further enacted, That the election precincts heretofore established by law in Decatur county at the house of Wyatt Laws and Randolph Boshart, be and the same are hereby abolished, and the following election precincts are hereby established in the county of Jackson, one at the house of Jesse Williams on Paint Rock river, one at the house of Edward Kirkpatrick, one at the house of David Parkell, and one at the house of Wm. Barclay. In Jackson.

Sec. 17. And be it further enacted, That the election precinct heretofore established at the house of Exekiel Miller in the county of Bibb, be discontinued, and in lieu thereof there is one hereby established at the house of John Hill, jr. in said county. In Bibb.

Sec. 18. And be it further enacted, That the election precinct at — Milton's on the Oakmulgee creek, be and the name is hereby discontinued, and in lieu thereof an election precinct is hereby established at Weaver's store, on the waters of the Oakmulgee creek, in Perry county; and also an additional election precinct said county at the house of Zadock Adair in the western part thereof. In Perry.

Sec. 19. And be it further enacted, That an additional elec- In Clarke.

1825.

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tion precinct be and the same is hereby established at the house of Darius Marsh in Clarke county.

In Wilcox.

Sec. 20. And be it further enacted, That an additional election precinct be and is hereby established at the dwelling

In Butler.

house of Willis Newton in Wilcox county.

Sec. 21. And be it further enacted, That an election precinct be and the same is hereby established at the house of

In Autauga.

Joseph Ship in the county of Butler.

Sec. 22. And be it further enacted, That the precinct heretofore established at the house of John Ezell in the county of Autauga, be and the same is hereby discontinued, and that an election precinct be established at the store-house of Ezell and Gordon in lieu thereof; and that an additional precinct be established in the town of Coosawda in the

Commission-

county aforesaid.

er appointed.

Sec. 23. And be it further enacted, That John Turner be and he is hereby appointed a commissioner for the county

In Pike of Dale, in the place of Duncan Douglass removed.

Sec. 24. And be it further enacted, That there shall be an election precinct established at the house of Wm. Hurley in that part of Pike taken from Dale county.

In Madison.

Sec. 25. And be it further enacted, That there shall be an additional election precinct at Brownsborough, on Flint river in Madison county. [Approved Jan. 10, 1826.]

AN ACT

Widow's dower.
wer.

To amend an act entitled an act concerning dower.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That when a husband dies intestate, or shall make his last will and testament, and not make provision therein for his wife, by giving and devising unto her such part or parcel of his real and personal estate as shall be fully satisfactory to her, she shall be entitled to share in the personal estate in the following manner: to wit, if there be no children, or if there be but one child, she shall be entitled, out of the residue left after paying the debts of the deceased, to one half; if there be more than one child, but not more than four, in that case, she shall be entitled to a child's part; but if there be more than four children, then and in that case, she shall be entitled to one fifth part in absolute right.

Certain pro-

visions and liquors, which at the death of any testator or intestate

be sold by ex-

shall have been laid in for consumption in his family, shall

ecutor or ad-

not be sold by the executor or administrator, but shall re-

main for the use of such family without account thereof

being made. If however, before its final consumption any child shall leave the family, such child shall have a right to

carry with him or her an equal share of what shall then be

on hand. Any live stock, which may be necessary for the

food of the family, may be also killed for that use at any

time before the sale, division or distribution of the estate.

(Approved January 14, 1826.)

Respecting rents in the city of Mobile, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That from and after the passage of this act it shall be lawful for any person whom may hereafter have rent due within the corporate limits of the city of Mobile, where the same does not exceed fifty dollars, to make application to any justice of the peace, within the said city, and obtain from such justice a distress warrant for the sum claimed to be due, on oath in writing, for the said rent, and the same may be levied by any constable of said city, duly qualified, on any property belonging to the said tenant, who shall advertise and sell the same, under the rules and regulations governing sales under execution; and where any distress warrant shall issue for a sum exceeding fifty dollars, it shall be levied by the sheriff of Mobile county; and the property levied upon shall be advertised and sold as in cases of other execution: Provided, nevertheless, that the tenant shall be entitled to replevy the property so distrained, by making oath that the sum distrained for or some part thereof is not due, and giving bond with approved security, make payable to the lessor for the eventual condemnation money; and in that case it shall be the duty of the officer levying the said warrant of distress to make return thereof to the circuit court of Mobile county, and the same shall there be determined by a jury as in other cases of claims.

Sec. 2. And be it further enacted, That where property distrained for rent in said city, shall be claimed by a third person, such claim shall be made on oath, and returned, tried and determined in like manner, and under the sam rules and regulations as are by law pointed out for the trial of the right of property.

Sec. 3. And be it further enacted, That in no case a preference shall be given to a distress warrant for rent over a judgment or execution.

Sec. 4 And be it further enacted, That where any tenant shall refuse to give possession of the premises at the end of his lease, it shall be lawful for the person leasing the same, to demand of such tenant monthly, double the sum that the same was leased for, and to recover the same at the expiration of every month, or in the same proportion for a longer or shorter time, by distress in manner pointed out as aforesaid.

Sec. 5. And be it further enacted, That if any person leasing or renting land, or any house or houses within the corporate limits of the said city, shall fail to pay the rent, at the time the same shall become due, or shall refuse to deliver quiet possession of the premises at the expiration of his lease, it shall and may be lawful for the lessor immediately thereafter to enter and retake possession of the premises so by him leased or rented.

Justices of the Peace to issue distress warrant in certain cases.

Distress warrant under fifty dollars to be levied by constable.

Over fifty dollars to be levied by the sheriff.

Proviso.

Proceedings in case property levied on be claimed by a third person.

Tenants refusing to give possession, how proceeded against.

Lessor to take possession in certain cases.

Actions for rent may be tried the first term.

Sec. 6. And be it further enacted, That all actions for the Recovery of rent in arrear, within the corporate limits of the city of Mobile, aforesaid, shall be tried at the term to which the same shall be returnable, unless good cause be shewn for the continuance thereof; and no such action shall be continued, for any cause, more than one term.

Tenants in any part of state, how liable for refusing to deliver possession.

Sec. 7. And be it further enacted, That if any tenant in any part of this state shall hold over, or shall fail or refuse at any time after the expiration of his or her lease, on demand of his or her lessor, to deliver up the premises which he or she had leased, he or she shall be liable to pay to his or her lessor, treble the amount for which the said premises had been leased, at the expiration of every month, and in the same proportion for a longer or shorter time, to be sued for and recovered before any court or justice of the Peace having cognizance of the case.

Repealing clause.

Sec. 8. And be it further enacted, That all acts and parts of acts repugnant to the provisions of this act, be, and the same are hereby repealed.

(Approved, January 13, 1826.)

AN ACT

Providing for the removal of certain Public Offices to the town of Tuscaloosa.

Comptroller Treasurer, & Secretary of State, to remove their offices by the 1st of June.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That it shall be the duty of the comptroller of public accounts, the treasurer and secretary of state to cause their respective offices to be removed from the town of Cahawba to Tuscaloosa, previous to the first day of June next.

To select mode of removal.

Sec. 2. And be it further enacted, That the aforesaid comptroller, treasurer, and secretary of state, shall be, and they are hereby authorized to adopt such measures for the removal of their respective offices aforesaid, as they may deem expedient and safe, either by land or water conveyance, and also for the transportation of such furniture belonging to their said offices, as may be convenient.

Duties of the Secretary of the Senate & principal Cl'k of the House of Representatives.

Sec. 3. And be it further enacted, That it shall be the duty of the secretary of the senate and principal clerk of the House of Representatives to deposit in the office of the secretary of state, all papers, books, bills and records, appertaining to their respective offices; and the said secretary of state is required to superintend the transportation of the same, as well as all things belonging to the executive office, in the same manner, as is required of him, in relation to the removal of the office of secretary of state.

Duty of the Quarter Master General.

Sec. 4. And be it further enacted, That it shall be the duty of the quarter master general to pack up in secure boxes all the camp equipage, quartermaster's stores, ordinance, &c. in his possession, belonging to the state of Alabama, and cause the same to be transported to the aforesaid town of Tuscaloosa, pursuant to the provisions of this act.

Sec. 5. Be it further enacted, That the expenses consequent on the removal of the aforesaid offices and other public property, shall be paid out of any money in the treasury not otherwise appropriated.

Expenses of removal, how paid.

Sec. 6. Be it further enacted, That all notices, proclamations, &c. which are now by law required to be published in the Cahawba Press and Alabama State Intelligencer, and all motions, plaints and actions in behalf of the state, required to be instituted and prosecuted in either the county or circuit courts of Dallas county, shall, after the removal of the aforesaid offices, as to notices, proclamation, & c. be published in some newspaper printed in the town of Tuscaloosa; and as to motions, plaints and actions in behalf of the state, the same shall be instituted and prosecuted in either the county or circuit court of Tuscaloosa county, in the same manner, and subject to the same rules, restrictions, regulations and provisions, as are now prescribed by law.

Notices, proclamation, &c. to be published in some newspaper in

Sec. 7. Be it further enacted, That this act shall commence and be in force from and after the first day of February next.

When to take effect.

Approved, January 7, 1826.

AN ACT to exempt Invalids from paying Poll Tax.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That hereafter all free persons who by any bodily infirmity, may be exempt from working on public roads in this state, shall also be exempt from paying poll tax; and that all free persons of colour who shall have attained the age of sixty years, shall not be liable to pay poll tax.

Certain persons exempt from poll tax.

Sec. 2. And be it further enacted, That all slaves who may be lunatic, blind, or insane, or from other cause may be entirely unprofitable to their owners, shall not be subject to taxation in this state, any law to the contrary notwithstanding; Provided, nothing in this act shall be so construed as to exempt from taxation, any slave under ten years of age.

Slaves not fit for labour, not subject to taxation.

Proviso.

AN ACT

For the relief of the tax collector of Mobile county.

Whereas the tax collector of Mobile county has been unable, from the prevalence of malignant fever in the city of Mobile, to complete the collection of the taxes of said county, and to account for the same to the treasury within the time required by law; for remedy whereof

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened, That John Archer, tax collector of Mobile county be, and he is hereby allowed until the first day of April next, to complete the collection of the taxes of Mobile county, and to pay the same into the treasury of the state; upon condition, that the securities of the said John Archer shall consent to the provisions of this act, and shall file their consent in writing in the office of the secretary of state, on or before the first day of April next, otherwise the forfeitures heretofore incurred shall be and remain in full force.

[Approved January 12, 1826.]

1825.	48	
	AN ACT To fix the salary of the President of the Bank of the state of Alabama, and for other purposes.	
President's salary.	SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That the President of the Bank of the state of Alabama and his successors in office, shall receive an annual salary of twelve hundred and fifty dollars, payable quarter yearly at the treasury of this state.	
Appropriation for past services.	Sec. 2. And be it further enacted, That the sum of twelve hundred and fifty dollars be and the same is hereby appropriated for the payment of the President of the Bank of the state of Alabama, for his services from the date of his first election to the present time.	
No member of the General Assembly to become indebted to the Bank.	Sec. 3. And be it further enacted, That no member of the general assembly shall during the time for which he shall have been elected, become indebted to the Bank of the state of Alabama, either directly or indirectly, provided that this act shall not be so construed to prevent any member from renewing any note which he may have had previously discounted: Provided further, this act shall not be construed as to prevent those members of the present general assembly who have not already borrowed from the Bank, from obtaining a loan; that the third section of this act, shall not take effect until from and after the first day of March next. (Approved January 14, 1826.)	
Proviso.		
	AN ACT	
	To exempt school-master, teachers and student from military duty.	
	Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That from and after the passage of this act, all school-masters and teachers of seminaries of learning, and all students of common schools or public institutions, shall be exempt from all military duty, so long as teaching and learning is the common employ and business of teachers or students; Provided nothing in this act shall be so construed as to exempt either teachers or students in cases of actual invasion, insurrection or rebellion. [Approved, Jan. 11, 1826.]	
	AN ACT	
	To amend an act entitled an act to regulate the licensing of Physicians to practise, and for other purposes therein name, approved Dec. 22, 1823.	
Graduated physicians or surgeons may practice without examination.	Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That any physician or surgeon, who may have graduated at any regular medical university, shall be allowed to enrol his name with any of the medical boards of this state, on producing his diploma, without examination, any law to the contrary notwithstanding. (Approved Jan. 12, 1826.)	
	AN ACT to repeal in part an act therein named.	
Repealing clause.	Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the third section of an act entitled an act concerning public roads, in the county of Montgomery, passed Dec. 20, 1824, be and the same is hereby repealed: Provided nothing herein contained shall be so construed as a discontinuance of the old road, but that the same is hereby declared	
Proviso.		

to be the state road.

[Approved Jan. 12, 1826.]

AN ACT to provide for the removal of the Bank of the state of Alabama to Tuscaloosa.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened That the Bank of the state of Alabama shall be removed to the town of Tuscaloosa prior to the first day of June next.

Sec. 2. Be it further enacted, That it shall be the duty of the President of said Bank, and he is hereby authorized and required to take such measures for the removal of the Bank aforesaid, and to adopt such general arrangements for the safe transportation of the specie and other property of the Bank, and to employ such guards for the superintendence of the same, as he, in his discretion, may deem expedient.

Sec. 3. Be it further enacted, That so soon as the removal of the Bank aforesaid shall be effected, as contemplated by this act, it shall be the duty of the President thereof to make known the fact by advertisement in some public newspaper for the information of such persons as may have transactions in the said Bank.

Sec. 4. Be it further enacted, That there shall be elected, during the present session of the general assembly, in the manner pointed out by the charter of the Bank, a President and twelve directors, who shall continue in office until the removal of the said Bank shall be effected; and also a President and twelve directors to act at the town of Tuscaloosa, who shall act as such for the remainder of the time from and after such removal, and until their successors are duly elected and qualified.

Sec. 5. Be it further enacted, That if from any cause whatever the President of the Bank shall fail or neglect to have the removal of the aforesaid Bank effected in the manner and by the time pointed out by the aforesaid act, then and in that case, immediately after the expiration of the time herein appointed, it shall be the duty of the Comptroller of public accounts to perform such service, in the manner herein pointed out.

Sec. 6. Be it further enacted, That this act shall take effect and be in force from and after the first day of February next, except so far as relates to the fourth section, which shall be in force, from and after the passage thereof.

(Approved, January 12, 1826.)

RESOLUTION removing the injunction of secrecy imposed upon the report of the joint committee appointed to examine the bank of the state.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the injunction of secrecy imposed by an act passed at the present session, entitled an act to amend the Charter of the Bank of the State of Alabama, on the report of the joint committee appointed to examine said Bank be, and the same is hereby removed; and that, two hundred and fifty copies of the report aforesaid be printed for the use of the General Assembly.

(Approved, January 13, 1826.)

Bank to be removed before the 1st of June next.

President required to make arrangements for its removal.

To give notice of removal.

President and Directors.

President of the Bank failing to remove it, the comptroller of public accounts to do it.

When to take effect.

AN ACT

Concerning Justices of the Peace and Constables in Mobile county.

Justices of the Peace, how elected

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened

That there shall be appointed from time to time, and commissioned by the governor on the recommendation of the judge of the county court and commissioners of roads and revenue of Mobile county a competent number of justices of the peace in and for the said county, not less than one nor more than two in each militia company

Term of office.

district, who shall continue in office during the term of three year; but for any malconduct or misdemeanor in office whatsoever, may be prosecuted by information or presentment of a grand Jury, in the circuit court of said county; which information or presentment, shall specify the particular malconduct or misdemeanor with which such justice of the peace shall stand charged, and shall not be quashed, overruled or avoided for the want of form. And if the justice

How punished for malconduct in office.

of the peace so prosecuted, on the return of a summons executed, shall fail to appear, at the term to which such summons is returnable, and plead to the information or presentment, or shall in open court confess the matter therein alleged, or shall be convicted thereof by the verdict of a jury, the court before whom such prosecution shall be had, shall certify the same to the governor, who, in either of the cases abovementioned, shall forthwith revoke the commission of such justice of the peace, and make known the same to the judge of the county court; and the person so removed shall thereafter be rendered incapable of holding the office of a justice of the peace in any county in this state.

To take oath, and enter into bond.

Sec. 2. And be it further enacted, That every justice of the peace appointed under this act before he enters on the duties of his office, shall take the several oaths prescribed by the constitution and laws of this state, before the judge of the county court of said County, and enter into bond with two or more good and sufficient

securities to be approved by the said judge in the penal sum of three thousand dollars, payable to the governor for the time being, and his successors in office, conditioned that he will faithfully pay over to the person or persons authorized to receive the same, all monies collected by him in his official capacity, and shall annually on the first Monday of January, in each year, make a return to the county treasurer of said county, or the comptroller of public accounts, as the case may require, of all fines and penalties, which he shall have assessed during the year preceding such return, and pay so much thereof as he shall have received, where the same is directed by law to be paid: And in all things shall truly and faithfully execute and perform the said office of justice of the peace during the time of his continuance therein; on which bond the judge of the county court of said county, shall endorse his approbation of the sureties therein named, and a certificate that he has administered to the said justice the oaths of office; and shall cause the bond together with the endorsements thereon, to be recorded in the office of the clerk of the county court; and immediately thereafter deposite the same in the office of the secretary of state, there to be safely kept and preserved; and said bond shall not be void on the first recovery, but may be put in suit and prosecuted from time to time, at the costs and charges of any party injured, until the whole amount of the penalty thereof be recovered; and an authenticated copy of

such bond shall be received in evidence in any court of law or equity

in this state, in the same manner as the original would be, if it were present in court.

Sec. 3. And be it further enacted, That is shall be the duty of every justice of the peace in said county on the first Monday of January, in each year, to make a return to the county treasurer, or to the comptroller of public accounts, as the case may require, of all fines and penalties which he shall have assessed during the preceding year, and to pay so much thereof as he shall have received, where the same is directed by law to be paid; and also punctually to pay over all monies collected by him in his official capacity, to the person or persons authorized to receive the same; and any justice of the peace who shall fail to make such return, or to pay the monies by him received as aforesaid, in addition to the remedy prescribed in the preceding section, shall be deemed guilty of a misdemeanor in office, and shall be removed from office in the manner provided for by this act.

His duties.

Sec. 4. And be it further enacted, That there shall be appointed from time to time by the judge of the county court, and commissioners of roads and revenue of said county, so many fit and proper persons as they may deem necessary, not less than one nor more than two in each militia company district, to serve as constables within the said county for the term of three years; but for any misconduct or misdemeanor in office, may be removed on complaint by the said judge of the county court and commissioners of roads and revenue, and the said constables before entering on their official duties, shall severally enter into bond, in such manner, and for such sum, as now required by law.

Constables
how appointed.

To give bond.

Sec. 5. And be it further enacted, That this act shall take effect and be in force, on and after the first Monday in March, eighteen hundred and twenty-six; and that all acts and parts of act repugnant to the provisions of this act, be, and the same are hereby repealed.

When to take
effect.

(Approved January 12, 1826.)

AN ACT

The better to organize the militia of the counties of Covington and Dale.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the militia composed of the counties of Covington and Dale shall form and constitute the forty-sixth regiment of the militia of this state; and that the militia of the county of Covington shall constitute the first battalion, and that the militia of the county of Dale shall constitute the second battalion of said regiment.

46th Regiment, how
formed.
Battalion in
Covington
In Dale.

Sec. 2. And be it further enacted, That the brigadier-general of the eleventh brigade shall cause an election to be holden in said regiment on the first day of May next, for the purpose of electing a colonel to command said regiment, who, when elected, shall proceed to organize said regiment in conformity to the [then] existing laws.

Brigadier-General of 11th
Brigade to issue writ of election.

Sec. 3. And be it further enacted, That the twenty-third regiment shall be divided into two regiments in such manner as may be designated by a regimental court-martial, to be assembled by order of the commanding officer of the said twenty-third regiment, on the first Monday in March next, in the town of Washington in the county of Autauga.

23d regiment
to be divided
into two regiments.

Sec. 4. And be it further enacted, That is shall be the duty of the president of the said court-martial to transmit a copy of the deci-

47th regiment
formed.

sion of said court, to the brigadier-general of the thirteenth brigade, whose duty it shall be to issue a writ of election for a colonel to command said regiment, and the said regiment shall be called the forty-seventh regiment.

Colonel of the 47th regiment, his duty. Sec. 5. And be it further enacted, That so soon as a colonel for the forty-seventh regiment shall be elected and commissioned, he shall proceed to organize his regiment according to the existing laws.

48th regiment Sec. 3. And be it further enacted, That the militia composed of the county of Mobile, shall form and constitute the forty-eighth regiment of the militia of this state; and it shall be the duty of the brigadier-general of the ninth brigade, to cause an election to be holden in said regiment on the first Monday in May next, for a colonel to command said regiment, who, when elected and commissioned, shall proceed to organize said regiment, in conformity to the existing laws of this state.

(Approved January 7, 1826.)

AN ACT to authorize the Judge of the County Court and Commissioners of Revenue and roads of Lauderdale county to levy a Tax for the purposes therein specified.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Commissioners to superintend the building certain bridges. That John Coffee, John Chisholm, Lawrence Thompson, George W. G. L. Faley, and John Donahoo, are hereby appointed commissioners, to contract for, and superintend, the building of three bridges in Lauderdale county, to wit, one over Shoal Creek, one over Blue water where the main road fro Florence to Huntsville

by the way of Athens crosses said Creeks, as viewed and marked out by the commissioners, appointed by an act entitled an act "to establish a permanent road from Florence in the county of Lauderdale to Athens in the county of Limestone," and one over Cypress Creek where the road from Florence to Waterloo crosses the same; and it shall be the duty of said commissioners to give information to

Further duty of commissioners. said court at its first session after the first day of Jan'y, one thousand eight hundred and twenty-six, of what sum of money they may consider necessary for the erection of said Bridges: and it shall, thereupon, become the duty of said court to divide said sum into their equal parts, and to levy on the taxable property and polls in said county

County Court to levy tax. one third of said sum in the year eighteen hundred and twenty-six, one third in eighteen hundred and twenty-seven, and one-third in eighteen hundred and twenty-eight; which said sums shall be collected by the collector of state and county tax for said county in said years respectively and paid over to such one of said commissioners as they may nominate to receive the same, and shall receive the same fees for collecting the same as if collected for other county

Compensation. purposes in conjunction with the other county tax.

Sec. 2. And be it further enacted, that it shall be the duty of said commissioners, so soon as practicable after the levy of said tax

Commissioners to contract for bridge over Shoal Creek. in the year eighteen hundred and twenty six, to contract for the erection of the bridge over Shoal Creek, and either or both of the others at the same time, if they should consider it advisable so to do; having in view, at the time of entering into said contracts, the time when said sums of money would probably be received, requiring of the undertaker or undertakers of the erection of said

bridges such security, in every instance, as would insure a strict

compliance with said contracts, not only as to their erection but that the same should remain in repair for such term of time as might be limited in said contract; which, in a convenient time, shall be recorded in the office of the clerk of said county court by the clerk thereof ex-officio. To take bond of the undertakers.

Sec. 3. And be it further enacted, That it shall be the duty of said commissioners, so soon as they have completed the objects of their appointment, which is hereby limited to the first court after the first day of January, eighteen hundred and twenty-nine, to lay before the county court aforesaid, or the tribunal exercising their jurisdiction, a correct account of their proceedings and of the receipts and appropriations of any monies coming to their hands by virtue of this act, and to pay over any sum or sums which may, at that time, remain in their hands after complying with the contracts for said bridges, and after deducting any sum or sums which may be allowed said commissioners by said county court for their services in the premises: Provided, that if it should be ascertained by said commissioners at any time, that the sum originally required by them to be levied and collected for the erection of said bridges, it shall be the duty of said court, as above provided, to levy and cause to be collected and paid over as above such other sum as said commissioners may require; which said sums of money shall be accounted for in the same manner and under the same restrictions as other county tax: And provided, also, That should a vacancy occur in said appointment of commissioners, they shall have power to appoint to fill such vacancy; and that a majority of said commissioners shall be competent to the discharge of any of the duties of this act. Further duty of commissioners. Vacancies, how filled.

Sec. 4. And be it further enacted, That Littleberry H. Jones be, and he is hereby, authorized to build a toll-bridge over Elk river, at or near where the ferry is kept on said river, on the road from Florence to Huntsville; and that said bridge shall be sufficiently high to admit the passage of boats at all times in said river; and shall receive such rates of toll as the county court of Lauderdale county may authorize for passing said bridge. Littleberry H. Jones authorized to build a toll-bridge.

(Approved, January 11, 1826.)

AN ACT regulating the mode of summoning Jurors for Green County,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, there shall be drawn, in the same mode now prescribed by law, twenty jurors, who shall be summoned to attend on the first day of the second week of the circuit court for Greene county, whose names shall be incorporated in the venire, and who shall serve as petit jurors for six days only.

Sec. 2. And be it further enacted, That there shall be thirty-two jurors only summoned to attend the first week of the term from whom the grand jury shall be drawn; and the remainder shall be discharged on the Saturday of the first week of the term: Provided, nevertheless, That the grand jury, so drawn, shall serve the whole term unless sooner discharged by the court.

[Approved December 20, 1825.]

AN ACT for the relief of the Public Printer of this State.
Whereas, a part of the paper intended for the printing of laws

and journals of the present session has lately been lost by the sinking of the Cotton Plant while ascending the Alabama river; therefore

Further time for printing laws. Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That thirty days further time be allowed the said public printer for the printing of the laws of the present session and the distribution of the same.

When to receive compensation. Sec. 2. And be it further enacted, That the said public printer may receive one-fourth of his annual salary upon the completion of the printing of all the acts of the present session; and the remaining three-fourths after the printing of all the journals and the distribution of all the acts and journals as required by law.

Terms by which to draw compensation. Sec. 3. Be it further enacted, That in order to enable the public printer to draw his salary or any part thereof, it shall be necessary for him to produce to the comptroller of public accounts the certificate of the secretary of state that the public printing, either in whole or in part, as may be, has been well executed, and in a workmanlike manner.

To publish certain laws in newspaper. Sec. 4. Be it further enacted, That it shall be the duty of the public printer, by the direction of the secretary of state, to publish in his paper weekly, a portion of the most important laws passed at the present session of the legislature, and direct one paper at least, in which the laws are so published, to the clerk of the count and circuit courts in each and every county in this state.—[Appr. Jan. 14, 1826.]

AN ACT

To amend an Act entitled an Act to establish a certain County therein named, and for other purposes, passed 22d December, 1824.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That it shall be the duty of the commissioners appointed in the above recited act to select a quarter section of land for

Commissioners to select quarter-section of land. the county of Henry, pursuant to the act of Congress, passed May twenty-sixth, eighteen hundred and twenty-four, or a majority of them; and so soon as they obtain legal titles to the quarter section aforesaid, to proceed to have the same, or any parts thereof, laid off into such parcels or lots

To sell lots. as they may think proper, and offer the same, or any part thereof, for sale at public auction, after having given at least sixty days notice in one or more of the newspapers

To give notice in certain newspapers. printed in this state, and in one or more of the newspapers printed in the state of Georgia, of the time and place of such sale.

Bonds, &c. notes for the sale of lots, to whom payable. Sec. 2. And be it further enacted, That all bonds and given for the payment of the lots aforesaid, shall be made payable to the treasurer of said county and his successors in office, and he is hereby authorized and empowered to sue for and recover the same.

Commissioners not to make donations or titles. Sec. 3. And be it further enacted, That it shall not be lawful for the commissioners aforesaid to make any donation of any part of said quarter section, or make titles to any part of the same, without first having complied with the provisions contained in the first section of this act.

Sec. 4. And be it further enacted, That it shall be the duty of the judge of the county court, together with the commissioners of roads and revenue to pass an order in favor of the commissioners aforesaid, to defray the expenses of advertising the lots aforesaid, and for other incidental expenses to be paid out of the fund arising from the sale of said lots. (Approved, January 3, 1826.)

AN ACT

To establish the boundary line between certain counties therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That all that part of Henry county, thence east on the line dividing townships eight and nine, four miles to the north east corner of section numbered three, in township eight and range twenty-six, thence south to the Florida line, thence on said line to the south east corner of Dale county, be added to, and made a part of the county of Dale.

Sec. 2. And be it further enacted, That all that part of Dale county, lying in township eight in ranges nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, be added to, and made a part of the county of Pike.

(Approved, January 4, 1826.)

AN ACT to incorporate the Moulton Library Company.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That Fletcher Taylor, Robert W. Macklin, John Gallagher, James Bl. Wallace and Lewis Campbell, directors of the Moulton Library Company and their successors in office be, and they are hereby constituted a body corporate by the name of the Moulton Library Company, with perpetual succession, and that in their said corporate name they may sue and be sued, plead and be impleaded, purchase, receive, hold and convey real and personal property to any amount not exceeding the annual value of ten thousand dollars.

Directors.

Moulton Library Company incorporated.

Powers.

Sec. 2. And be it further enacted, That said corporation may have a common seal, with power to alter the same and to make, modify and alter rules and regulations for their own government in the management of the Library under their direction as they may deem expedient: Provided, the same be not contrary to, or inconsistent with, the laws and constitution of this state, or the constitution and laws of the United States. (Approved, January 4, 1836.)

Further corporate powers.

AN ACT concerning the Tombeckbee Bank.

SECTION 1. Be it enacted by the Senate and House of Representatives, of the State of Alabama, in general assembly convened, That at any stated meeting for the board of Directors of the Tombeckbee Bank, five of the said Directors shall constitute a quorum for doing business, the President of the said Bank being one. (Approved, Jan. 12, 1826.)

What number to constitute a quorum.

AN ACT

To enforce those provisions of the act entitles An act to establish a Bank in the town of Mobile" which relate to voting for Directors.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened,

That in all elections of directors of the Bank of Mobile hereafter to be holden under and by virtue of an act to establish

a Bank in the town of Mobile, "whenever any person shall offer to the judges of such election any votes in his own right, or as attorney, proxy or agent for others, the said

Judges of e- judges of the election, or any one of them, are hereby au-
lection for Di- thorized and required to administer to the said person, so
rectors. offering to vote the following oath or affirmation, to wit: I,

Their duties. — , do solemnly swear or affirm (as the case may be) that

the shares on which I now offer to vote in my own name, are now and were three calendar months previous to this election in good faith owned by me as my individual property, (or appertains to me in the character, either as administrator, executor or guardian, as the case may be) and were not transferred to me for the purpose of obtaining my vote at this election for directors." And if the person offering to vote, offers as attorney, proxy, or agent, the said judges or any one of them are hereby authorized and required to

Further duty administer to the said person, so offering to vote the follow-

of Judges. ing oath or affirmation, to wit: I, — , do solemnly swear or affirm (as the case may be) that I have no interest, directly nor indirectly in the shares upon which I shall vote at this election, as attorney, proxy or agent for others; that those shares are to the best of my knowledge and belief, truly and in good faith owned by the person or persons in whose names they now stand; and that the person or persons truly and in good faith owned said shares three calendar months previous to this election. And the said judges of elections or any one of them shall be authorized and empowered, in their discretion, or at the instance of any stockholder of the Bank to administer the said oath or affirmation to any person offering to vote at any such election.

Sec. 2. And be it further enacted, That if the judges of any election of directors to be had as aforesaid, shall permit any person to vote, without the said persons having taken the aforesaid oath or affirmation, such of the said judges as shall consent thereto, shall severally be deemed guilty of a misdemeanor, and on due conviction thereof, shall be subject to a fine not exceeding five hundred dollars, or to imprisonment not exceeding four months, at the discretion of the court before which such conviction shall be had. And if any persons shall wilfully and absolutely swear, or affirm falsely, in taking any oath or affirmation prescribed by this act, such person so offending, shall upon due conviction thereof, be subject to the fines and penalties which are by law prescribed for the punishment of wilful and corrupt perjury.

Penalty.

[Approved, January 12, 1826.]

AN ACT to incorporate the Bassett's Creek navigation company.

Section 1. Be it enacted by the Senate and House of representatives of the state of Alabama in general assembly convened, That William Coleman, Josiah Jones, James Furlow, Samuel T. Barnes, and Joseph B. Chambers, be, and the

are hereby appointed commissioners, with power to open books at the town of Suggsville, in the county of Clarke, and at such other place, or places as they may think proper to receive subscription of stock, to be applied as hereinafter mentioned, and the said books shall be opened on the first Monday of March next, and shall be kept open until the first Monday in June next ensuing, unless the sum of two thousand five hundred dollars be sooner subscribed.

Sec. 2. And be it further enacted, That the said sum of two thousand five hundred dollars be divided into one hundred shares of twenty-five dollars each, and that each subscriber shall pay at the time of subscribing the sum of five dollars upon each share subscribed, and such other sums at such times as the president and directors of said company shall require. And if any stockholder shall fail to pay any instalment or any amount upon said stock, which by the president and directors may be required of him, he shall forfeit for the benefit of the company, whatever sum or sums he may have paid.

Sec. 3. And be it further enacted, That the said subscribers, their successors, and assigns, shall be a body politic, under the name and style of the President and Directors of The Bassett's Creek Navigation Company, and shall by that name be capable and liable in law to sue, and be sued, plead, and be impleaded, answer, and be answered, defend, and be defended in any suit, action, matter, or thing, depending in any court of law or equity; to have a common seal, and the same to alter at pleasure; and to make, establish, and enforce, such by-laws, ordinances and regulations, as they shall deem necessary for the government of said corporation, not being contrary to the laws of the United States or of this state.

Sec. 4. And be it further enacted, That as soon as the said sum of two thousand five hundred dollars shall be subscribed, the said commissioners shall give notice of a time and place for holding an election, for the purpose of electing seven directors, which said election shall be holden under the direction of the said commissioners or a majority of them, and each stockholder shall be entitled to one vote for every share of which he may be owner; and the said directors shall hold their office until the first day of May after said election; and the stockholders shall annually on the first day of May elect their directors; and the said directors who may be elected as aforesaid, shall proceed to elect one of their number to be president, who shall hold his office for the like period of one year.

Sec. 5. And be it further enacted, That said corporation shall have power and authority to open and improve

ers.

Subscription
books to be
opened.

Sum to be-
raised to be
divided into
shares.

Forfeiture.

Created a
corporate bo-
dy.

Style.

Powers.

Directors to
be elected.

Term of ser-
vice.

Further Pow-
ers.

the navigation of Bassett's creek fro Dear's bridge to the Mouth of said creek, by removing the obstructions therein, opening canal or canals, or in such other mode or was as they mad deem expedient.

Owners of property to give consent. Sec. 6. Be it further enacted, That the said improve-ments shall not be made on the property of others without their consent in writing, of the owner or owners of such property; but if such consent cannot be obtained, it shall be lawful for said corporation to apply for and obtain a writ of ad quod damnum, as in other cases.

President and Directors may and directors, may erect on such parts of said creek as they erect toll-gates. Sec. 7. And be it further enacted, That the said President They may think proper, provided the said tolls shall not exceed two dollars per ton for navigating the whole length of said creek.

Persons ob-structing lia-ble. Sec. 8. And be it further enacted, That if any person shall in any manner obstruct the navigation of said creek by felling trees or otherwise, such offender shall forfeit the sum of ten dollars, to be recovered before any justice of the peace, in the county where the offence is committed, which said forfeit shall be given to any person who will sue for the same, provided that such recovery shall not prevent the said company from recovering any special damage which they may sustain by reason of such obstruction.

Sec. 9. And be it further enacted, That the said company shall have the exclusive benefit arising from the navigation of said stream, for and during the term of twenty-five years.

[Approved, Jan. 13, 1826.]

AN ACT

To locate the seat of justice for Fayette county.

Judge, &c. Section 1. Be it enacted by the Senate and House of Repre-sentatives of the state of Alabama, in general assembly convened, to fix the seat of justice. That the judge of the county court of Fayette county, the commissioners of roads and revenue of said count, be and they are hereby authorized and empowered to locate the

Proviso. seat of justice of said count; Provided nevertheless, that They are hereby required to name the site between New-river and Looksapalila, and within four miles of the northwest corner of township sixteen, range twelve west of the basis meridian from Huntsville.

Authorised to receive land by dona-tion or purchase. Sec. 2. Be it further enacted, That said judge and com-missioners, be and they are hereby authorized to receive, by donation or purchase, and quantity of land for the purposes before named, Provided nevertheless, that said judge and commissioners be and they are hereby required, in the manner before named, to procure not less than forty, nor more than one hundred and sixty acres.

Proviso. Sec. 8. Be it further enacted, That said judge and com-missioners be and they are hereby authorized and required, to lay of a town, and sell to the highest bidder, on a credit of one, two &c. as soon as said land can be procured, to proceed and lay off

and three years, the lots of said town, requiring from the said purchasers bond with approved security.

Sec. 4. Be it further enacted, That said judge and commissioners be and they are hereby required to give notice of the time and place of said sale of lots, at least thirty days prior to the sale, by advertisement at every precinct in said county and in some paper printed in Tuscaloosa and Tusculumbia.

Sec. 5. Be it further enacted, That after the said lots may be disposed of, according to the provisions of this act, the remaining land, should there be any, may be laid off in such manner as may seem best to the judge and commissioners, and disposed of in the same manner as the lots.

Sec. 6. Be it further enacted, That the nett profits, arising from the sale of said lands, be and the same are hereby appropriated to the building of a court-house & such other public buildings for said county, as may be deemed necessary.

Sec. 7. Be it further enacted, as soon as said judge and commissioners shall make the location, as before contemplated, and the title to such land as any be required under this act may be recorded in the office of the clerk of said count, then the seat of justice shall be moved to said site; and the circuit and county courts of said county shall thereafter be held at the place so designated; and all the offices, required by law to be and remain at the seat of justice of each and every county, shall, within six months after said title be recorded, be removed and remain at the place so selected.

[Approved, Jan. 12, 1826.]

AN ACT to incorporate the Coosawda academy in the town of Coosawda.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That an academy be and is hereby established in the town of Coosawda and county of Autauga, by the name of Coosawda academy, and that John A. Elmore, James B. Clifton, Robert B. Glenn, Drury Reese and Francis Lewis, their associates and successors be and are hereby established a body corporate, by the name and style of "the trustees of the Coosawda Academy," and by that name shall have power to sue and be sued, to plead and be impleaded, to receive donations, to hold read estate to the value of then thousand dollars, and in general to do all acts for the benefit of the institution which are incident to bodies corporate, and which are not repugnant to the constitution and laws of the United States or of this state.

Sec. 2. And be it further enacted, That the said trustees, their associates and successors, shall have power to associate with them any number of men not exceeding thirteen, who when elected shall have equal rights with those here named, and shall fill all vacancies which may occur by death, resignation refusal to act or otherwise, and to appoint a president, vice president, treasurer and secretary, and prescribe the duties of each, and to make all such by-laws for

To give notice of the sale of lots.

How to dispose of the remaining land.

Money, how appropriated.

Title may be recorded in the clerk's office.

Certain officers to remove to county seat.

Coosawda Academy established.

Trustees.

Style of incorporation.

Corporate powers.

Power of Trustees.

1825. 60
the government of the seminary and of their own meetings
as they shall think proper.

Trustees, Sec. 3. And be it further enacted, That the first meeting
when & where of the trustees shall be held on the first Monday of March in
to meet. the year of our Lord one thousand eight hundred and twenty-
six, in the town of Coosawda, and that they meet at such
times, thereafter, as they shall think proper, and that two-
Quorum. thirds of the corporate body shall constitute a quorum to do
business. (Approved January 12, 1826.)

AN ACT

To incorporate Milton Academy in the town of Montgomery, and to em-
power the trustees of the same to establish a Lottery, or Lotteries.

Preamble. Whereas Ebenezer D. Washburn, John Gindrat, Wil-
liam Sayre, John Godthwaite, Robert J. Ware, Nimrod
E. Benson, and John S. Bailey, have by their petition pray-
ed to be incorporated as trustees for the establishment of
an academy, in the town and county of Montgomery, to be
called Milton Academy, and also, that they may be au-
thorized to raise by lottery or lotteries, a sum not exceed-
ing five thousand dollars, to enable them to defray the ex-
pences of necessary buildings for the same:

Section 1. Be it enacted by the Senate and House of Repre-
sentatives of the state of Alabama, in general assembly convened,
that the said petitioners and their successors appointed
or elected, or to be appointed or elected, according to
the form, and in the manner prescribed or to be prescri-
bed by the rules and regulations of the said academy, shall
Incorporated be, and they are hereby incorporated as a body politic and
Style. corporate, in deed and in law, by the name of "The Trus-
tees of Milton Academy."

Sec. 2. And be it further enacted, by the authority of afore-
said, That the said corporation by the name aforesaid, shall
Corporation have perpetual succession of officers, and members to be
declared per- appointed or elected in such manner and according to such
petual. form, as may be prescribed by the rules and regulations as
are now or may hereafter be made for the government of
the said corporation, and that they have a common seal
with power to change, alter and make new said rules and
regulations and common seal as often as they shall judge
expedient.

Sec. 3. And it further enacted, by the authority afore-
vaid, That the said corporation shall be able and capable
in law to purchase, have, hold, take, receive, possess, re-
tain, and enjoy to itself in perpetuity, or for any term of
years any estate, real, personal or mixed, of what kind or
nature soever, and to sell, alien, and dispose of the same
as they may think proper, and by its name above mention-
ed, to sue, and be sued, implead, and be impleaded, answer,
and be answered, in any court of law or equity in this state,
and to make such rules and by-laws, not repugnant or con-
trary to the laws of the land, as for the good order, and
proper government of the said corporation, may by them be

Powers.

thought necessary or expedient; provided nevertheless, that the said real, personal, or mixed estate, shall not produce an increase exceeding three thousand dollars per annum.

SEC. 4. And be it also enacted, by the authority of aforesaid May raise money by Lottery.
That the said trustees and their successors, shall have full power and authority, by virtue of this law, to erect, and proceed to the drawing, and finally, to conclude one or more lotteries, provided they do not by the said lottery or lotteries, raise a sum exceeding five thousand dollars to defray the expenses of necessary buildings for the said academy.

SEC. 5. And be it further enacted, by the authority aforesaid, That an act authorizing a lottery for the benefit of building an academy in the town of Montgomery, passed December 15, 1821, and all other acts contrary to the meaning of this act, be, and the same are hereby repealed. Repealing clause.

(Approved, January 7, 1826.)

AN ACT

To incorporate the Trustees of Concord Academy in Green county.

SECTION 1. Be it enacted by the Senate and House of Representatives, of the State of Alabama, in general assembly convened, That Samuel Whitherspoon, Thomas Witherspoon, James W. Fryerson, Joseph P. Cunningham, William Kennon, James Martin, and Green Hill, Trustees of the Concord Academy and their successors in office, appointed or elected or to be appointed or elected, according to the rules and regulations of the said academy, shall be, and they are hereby incorporated as a body politic and corporate, indeed and in law, by the name and style of the Trustees of the Concord Academy. Trustees.

Incorporated.

Style.

SEC. 2. And be it further enacted, That the said corporation by their name aforesaid, shall have perpetual succession of officers and members, to be appointed or elected in such manner, and according to such form as may be prescribed by the rules and regulations now existing, or hereafter to be made, for the government of said corporation; and they may have a common seal, with power to alter and make new the said rules and regulations, and the said common seal, as often as they shall deem expedient. Corporation.
declared perpetual.

SEC. 3. And be it further enacted, That the said corporation shall be able and capable in law to purchase, have, hold, possess, enjoy and retain to itself, in perpetuity or for any term of years, any estate, real or personal, of what kind or nature soever; and to sell, alien, or dispose of that same, as they may think proper; and by its name above mentioned to sue and be sued, implead or be impleaded, answer and be answered unto, in any court of law or equity in this state; and to make such rules and regulations, not repugnant to the laws and constitution of this state and of the United States, as they may deem necessary or expedient; Provided, that the said corporation shall not be entitled to have, hold or retain as aforesaid, real or personal estate of an annual income exceeding ten thousand dollars. Corporate powers.

(Approved, January 12, 1826.)

AN ACT

To incorporate the Trustees of Tuscumbia Academy, in Franklin county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in general assembly convened,

Trustees. That Thomas Wooldridge, Alexander A. Campbell, William H. Wharton, and Robert B. Marshall, trustees of Tuscumbia Academy, and their successors in office, appointed or elected, or to be

Incorporated Academy, shall be, and they are hereby, incorporated as a body politic and corporate in deed and in law, by the name and style of

Style. "The Trustees of Tuscumbia Academy."

Corporation Sec. 2. And be it further enacted, That the said corporation, by their name aforesaid, shall have perpetual succession of offices and member, to be appointed or elected in such manner, and according to such form, as may be prescribed by the rules and regulations made for the government of the said corporation; and that

they may have a common seal, with power to alter and make new the said rules and regulations, and the said common seal, as often as they shall deem expedient.

Corporate Powers. Sec. 3. And be it further enacted, That said corporation shall be able and capable in law, to purchase, have, hold, possess, enjoy, and retain to itself, in perpetuity, or for any term of years. any estate, real or personal, of what kind or nature soever, and to sell, alien, or dispose of, the same as they may think proper; and by its name above mentioned to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this state, and make such rules and regulations not repugnant to the constitution and laws of this State or of the United States, as they may deem expedient.

(Approved January 13, 1826.)

AN ACT to incorporate the town of Pickens, in Pickens county.

SECTION 1. Be it enacted by te Senate and House of Repre-

Pickens in- sentatives of the state of Alabama, in general assembly convened, corporated. That from and after the passage of this act, the town of Pickens in the county of Pickens, as laid out and established by commissioners appointed by an act, passed the 13th December, 1821, be, and the same is hereby incorporated.

Officers to be Sec. 2. And be it further enacted, That an election shall be held elected. at the court house in said town, on the first Monday in March next, and on the same day in every year thereafter, to commence at the hour of ten o'clock in the morning, and the polls shall be kept open three hours, for the purpose of electing five commissioners, resident citizens of said town, also a town constable, assessor and treasurer, and the commissioners thus elected, shall on the succeeding day,

Commission- choose from their own body a President, for the year next ensuing ers to choose every such election, and the president and commissioners thus elect- a President. ed, shall constitute a body corporate, by the name and style of "The

Style of the President and Commissioners of the town of Pickens," a majority corporation. of whom may constitute a quorum to do business; Provided, that the offices of assessor and constable, may or may not at discretion, What to con- be conferred on the same person; and provided further, that all stitute a quo- persons who may have been residents of said town, one mouth im- rum. mediately preceding every election, shall be entitled to a vote.

Proviso. Sec. 3. And be it further enacted, that the president and com-

missioners, and other officers elected as aforesaid, shall proceed in
Powers of the same manner, possess the same powers, and be subject to the
corporation

same restrictions as were provided by law for the government of the president and commissioners of the town of Tuscaloosa, by an act passed the 13th of December, 1819.

Sec. 4. And be it further enacted, That Michael Cody, Elijah Willbanks, and George Flournoy, or either of them, are authorized to hold the first election, as pointed out by the second section of this act, and that all future elections shall be held by the president and any one of the commissioners, and in case of the absence of the president by any two of the commissioners.

(Approved, January 7, 1826.)

AN ACT to incorporate the trustees of the Tuscumbia Female Academy, in Franklin county.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That Alexanker A. Campblee, Thomas Woldridge, William H. Whorton, and John Hogan, Trustees of the Tuscumbia Female Academy, and their successors in office, appointed or elected, or to be appointed or elected, according to the rules and regulations of said academy, shall be, and they are hereby incorporated as a body politic and corporate, in deed and in law, by the name and style of "The Trustees of the Tuscumbia Female Academy."

Sec. 2. And be it further enacted, That the said corporation by their name aforesaid, shall have perpetual secession of officers, and members, to be appointed or elected in such manner, and according to such for, as may be prescribed by the rules and regulations made for the government of the said corporation, and that they may have a common seal, with power to alter and make new the said rules and regulations, and the said common seal, as often as they shall deem expedient.

Sec. 3. Be it further enacted, That the said corporation shall be able and capable in law to purchase, have, hold, possess, enjoy, and retain to itself in perpetuity, or for any term of years, any estate either real or personal, or what kind or nature soever, and to sell, alien, or dispose of the same, as they may think proper, and by tis name above mentioned, to sue, and be sued, plead, and be impleaded, answer and be answered unto, in any court of law or equity in this state, and to make such rules and regulations, not repugnant to the constitution and laws of this state, and of the United States as they may deem expedient.

(Approved January 13, 1826.)

AN ACT to incorporate the trustees of Moulton Academy.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That Fletcher Taylor, Jonathan Burford, Robert M. White, Samuel Gregg, John S. White, John Gallagher and Joseph Coe, trustees of the Moulton Academy, and their successors in office, appointed or elected, or to be appointed or elected, according to the rules and regulations of said academy, be and they are hereby constituted a body corporate, by the name and style of the trustees of the Moulton academy, and by said corporate name shall have perpetual succession of officers and members, to be appointed or elected in such manner, and according to such form as may be prescribed by the rules and regulations now existing, on which may hereafter be made, for the government of said corporation; and they may have a common

Who to hold
the first elect-
tion.

Future elec-
tions.

Trustees.

Incorporated.

Style.

Corporation
declared per-
petual.

Corporate
powers.

Trustees.

Incorporated
Style.

Corporation
declared per-
petual.

seal, with power to alter and made new the said rules and regulations, and said common seal so often as they shall deem expedient.

Sec. 2. And be it further enacted, That said corporation shall be able and capable in law to purchase, have, hold, possess, enjoy and retain to itself in perpetuity or for any term of years, any estate, real or personal, of what king and nature soever; and to sell, alien and dispose of the same as they may think proper; and by its said corporate name to sue and be sued, plead and be impleaded, in any court of law or equity in this state, and to make such rules and regulations not repugnant to the laws and constitution of this state or of the United States, as they may deem necessary or expedient; Provided, that said corporation shall not be entitled to have, hold or retain as aforesaid, real or personal estate of an annual income exceeding ten thousand dollars. [Approved Jan. 12, 1826.]

AN ACT supplementary to an act entitled, an act to establish the town of Sommerville, in the county of Cotaco, passed Dec. 3, 1819.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That hereafter it shall be lawful for the inhabitants of Sommerville, to elect trustees of said town, on the third Monday in February, of each and every year, or on one of the two succeeding Mondays, in conformity to the provisions of the before-mentioned act. [Approved , January 9, 1826.]

AN ACT to incorporate the Turstess of the La Fayette Academy in the Village of La Grange.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened, That John Davis, Richard Elles, James Smith Richard Jones, Jesse H. Crooms, William H. Winter, Alexander Sledge, Willie J. Crooms, and Thomas E. Tart, Trustees of the La Fayette Academy in the village of La Grange, and their successors in office appointed or elected, or to be appointed or elected according to the rules and regulations of said academy be, and they are hereby constituted a body corporate, by the name and style fo the Trustees of the La Fayette Academy, and by said corporate name shall have perpetual succession of officers and members to be appointed or elected in such manner an according to such form as may be prescribed by the rules and regulations now existing, or which may hereafter be made, for the government of said corporation; and they may have a common seal, with power to alter and make new the rules and regulations, and said common seal so often as they shall deem expedient.

Sec. 2. And be it further enacted, That said corporation shall be able and capable in law to purchase, have, hold, possess, enjoy and retain to itself in perpetuity, or for any term of years, any estate, real or personal, of what kind and nature soever, and to sell, alien and dispose of the same as they may think proper, and by its said corporate name to sue and be sued, plead and be impleaded in any court of law or equity in this state, and to make such rules and regulations, not repugnant to the laws and constitution of this state or of the United States, as they may deem necessary or expedient, provided that said corporation shall not

be entitled to have, hold or retain as aforesaid, real or personal estate of an annual value not exceeding six thousand five hundred dollars. (Approved, January 6, 1826.)

AN ACT To provide for the trial of officers in the militia of this state, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened,

That hereafter whenever charges shall be preferred against any officer in the militia of this state, a court martial for the trial of such officers shall be detailed in the following manner, to wit:—If charges shall be preferred against a major general, then it shall be the duty of the governor to detail a court martial for the trial of such officer; if against a brigadier general, then a court martial shall be detailed by the major general of such brigadier general; if against a colonel, lieutenant colonel, or major, then a court martial shall be detailed by the brigadier general commanding such officer or officers; if against a captain, lieutenant, or ensign, then a court martial shall be detailed by the commanding officer of the regiment to which such officer or officers may belong.

Courts martial for the trial of certain officers.

By whom detailed.

Sec. 2. And be it further enacted, That the courts martial which may be detailed by virtue of this act, shall consist of not less than five or more than eleven members, the president of which shall be of equal rank with the officer or officers to be tried; and the officer ordering such court martial shall have the power to approve or disapprove of its decision.

What number to constitute a court martial &c.

Sec. 3. And be it further enacted, That the president and judge advocate of any court martial that may be assembled under this act, shall be designated in the general order of the officer ordering such court; and if the president shall fail to attend, then the senior officer present shall be the president of said court; and if the judge advocate shall fail to attend, then the court martial shall appoint a judge advocate, whose duty it shall be to keep a just and true account of the proceedings of said court, including the evidence, and return the same to the officer ordering the court, by whom the same shall be preserved.

President & judge advocate to be named in the order for a court martial.

Sec. 4. And be it further enacted, That the president and members of any court martial detailed by virtue of this act, shall take an oath before they enter on the discharge of their duties, impartially, and according to the law and evidence, to decide the case referred to them, and to keep secret the proceedings of said court until the injunction of secrecy shall be removed by the officer ordering the court.

President &c. members to take oath.

Sec. 5. And be it further enacted, That the judge advocate shall take an oath before he enters on the discharge of his duties, well and truly to discharge his duties as judge advocate according to military duty.

Judge advocate to take oath.

Sec. 6 And be it further enacted, That whenever a vacancy shall hereafter occur in the office of lieutenant colonel the colonel shall, at the request of the major in writing,

Vacancies how filled.

which shall operate as a resignation, be, and he is hereby required to issue a writ of election for the purpose of electing a lieutenant colonel to command the second battalion, which shall be called the first battalion; and the said colonel commandant shall at the same time issue a writ of election for the purpose of electing a major to command the other battalion, which shall thereafter be called the second battalion; which alteration in the number of battalions and the rank of their commanders, shall take place as often as a vacancy may take place in the office of lieutenant colonel.

Militia and patrol laws, to be revised and distributed. Sec. 7. And be it further enacted, That it shall be the duty of the governor to employ a suitable person to revise and print the militia laws not in force in this state, as well as the patrol law, and to cause a copy to the same to be distributed to each officer in commission at the time of such distribution.

Companies without officer, how commanded. Sec. 8. And be it further enacted, That whenever it shall so happen that any company in the militia of this state is without any officer or non-commissioned officer, it shall be the duty of the commanding officer of the battalion to which such company may belong, to appoint a sergeant, whose duty it shall be to take the command of said company until some officer is duly elected and commissioned to command the same: Provided however, that if any sergeant appointed by virtue of this act shall neglect and refuse to act, such sergeant shall be fined in the sum of ten dollars, recoverable before a justice of the peace, which shall be applied exclusively to the use of the informer.

(Approved January 14, 1826.)

AN ACT requiring the Judges of the circuit courts to alternate, and for other purposes.

Judges to alternate. Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That hereafter the several judges of the circuit courts shall alternate in such manner, that each and every judge shall preside successively in every circuit in this state, which arrangement shall take place from and after the next sitting of the supreme court.

Intermediate court. Sec. 2. Be it further enacted, That whenever it shall become necessary by the existing law that the judge of any circuit should hold an intermediate court for any count, that any judge not presiding in that circuit may hold the same.

Business undischarged of at regular term, the Judge to hold an intermediate court. Sec. 3. And be it further enacted, That if it should so happen that any of the circuit courts should not be able to dispose of all the business depending in any of said courts at their regular terms, it shall be the duty of the judge of the circuit in which such undischarged of business may be, at a convenient time, between the regular terms of said courts, in which such undischarged of business may be, to hold a special term or terms of such courts, which term and time shall be fixed, and notice thereof given at the preceding regular term court to be by the presiding judge of said court, and notice thereof given.

en by order of said court, in some respectable newspaper in or nearest to said circuit, to which intermediate court a jury shall be summoned as directed by law to the regular terms of said court, as well as witnesses, whose testimony may be desired in said court: Provided that the judge shall not be required to hold any one of said intermediate courts longer than two weeks, which court shall be considered a continuance of the regular term: Provided that nothing in this act shall be construed to prevent any one of the circuit judges in this state from holding any of such intermediate courts as may be agreed on by them: provided also, that said intermediate courts shall be devoted exclusively to the civil and chancery docket.

Sec. 4. Be it further enacted, That any judge of the circuit court whenever he may deem it necessary shall hold a special court for the trial of any slave or slaves, prosecuted for a capital offence, and for this purpose the clerk and sheriff shall be ordered to summon twenty-five jurors to attend the said court for the trial of such slave or slaves.

(Approved Jan. 14, 1826.)

Proviso.

Judge may
hold a special
court for the
trial of slaves.

AN ACT to alter the manner of electing Major and Brigadier General.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That from and after the passage of this act, all major and brigadier generals shall be elected by all free white males over the age of eighteen years, in their respective divisions or brigades.

Sec. 2. And be it further enacted, That the elections for the said major and brigadier generals shall be held at the same places subject to the same rules, regulations and restrictions as are prescribed by law for holding and conducting elections for members of the general assembly of this state.

Sec. 3. And be it further enacted, That all laws contravening the provisions of this act, be and the same are hereby repealed. (Approved January 10, 1826.)

Major and
Brigadier-Ge-
ne-rals, how e-

Election,
where held, &c.
how conduct-
ed.

Repealing
clause.

AN ACT to incorporate the school commissioners of the fourth township and eighth range west from Huntsville, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the present trustees of the sixteenth section, fourth township, and eighth range, west from Huntsville, be and they are hereby authorized and required, as soon after the passage of this act as practicable, to cause an election to be holden at the school-house on said sixteenth section, for five school commissioners of said township, after having advertised the time and place of holding the same at least fifteen days, at said school-house, and at four other places in said township; which election shall be superintended by three free-holders or house-holders of said township, to be appointed for the purpose, by said trustees, who shall be previously sworn impartially to conduct said election. And should any of the commissioners so elected fail to accept within one month after their election, or die, resign, remove from said township, or become otherwise disqualified, it shall be the duty of the remaining commissioners, within one month

Trustees of
16th sec, &c.
authorizing to
hold election
for school
commission-
ers.

Election how
conducted.

thereafter, to cause an election to be holden, to fill the vacancy or va-

Vacancies after having advertised the time and place of holding the same, as
how filled. within prescribed, and such election shall be managed by three free-
holders or house-holders of said township, to be appointed by the ac-
tiring commissioners thereof, who shall be previously sworn impar-
tially to superintend said election.

Commission- Sec. 2. And be it further enacted, That if at any time after the
ers, on com- election of said school-commissioners ten free-holders or house-hold-
plaint in wri- ers of said township, shall unite in laying before said commissioners,
ting, may be at one of their regular meetings, a complaint in writing, against any
removed. one or more of said commissioners, as school-commissioners of said
township, then, and in every such case, it shall be the duty of said
school-commissioners, as soon thereafter as practicable, to cause an
election to be holden in the manner and at the place prescribed in
the first section of this act, to ascertain the will of the majority of
the inhabitants of said township, as to the removal of the commis-
sioner or commissioners so complained of, and the appointment of
others in their stead. And should others be elected in the room of
any one or more of said commissioners so complained of, the person
or persons so elected, shall be deemed and considered their legal
successor or successors. And in all cases, before any school-com-
missioner of said township shall enter upon the discharge of the du-
ties of his station, he shall take and subscribe before some justice of
the peace or judge of this state, the following oath, to wit: I do sol-
emnly swear or affirm (as the case may be) that I will, to the best
of my skill and ability, and without partially or favor, discharge the
duties of school-commissioner of township four, range eight, so long
as I continue in office, so help me God.

Incorporated. Sec. 3. And be it further enacted, That said school-commission-
ers and their successors in office, be and they are hereby constituted
a body corporate, by the name of the school-commissioners of the
Style. fourth township, eight range, west of Huntsville; and by their said
corporate name they may sue and be sued, plead and be impleaded,
take, hold and receive; sell, alien and convey real and personal pro-
Corporate property, and make and alter all necessary rules, regulations and by-
powers. laws for the government of themselves, as commissioners aforesaid,
and contracts and regulations for the establishment and government
of schools in aid township, not inconsistent with the laws and con-
stitution of this state, or those of the United States, or the other pro-
visions of this act.

Commission- Sec. 4. And be it further enacted, That as soon after the election
ers to divide of said school-commissioners as practicable, they shall proceed to
16th section lay off and divide said sixteenth section, in township four, range
into lots. eight, into as many lots and divisions as they may deem best calcu-
lated to promote the advantageous leasing thereof; and after having
advertisd the time, place and terms of lease, in one or more news-
papers, published within twenty-five miles of said sixteenth section,
To lease lots. and at the school-house on the same, at least six weeks previously,
shall proceed to lease such lots so laid off, lot by lot, to the highest
Term of lease bidder at public auction, for the ter of ninety-nine years from and
after the leasing thereof; Provided nevertheless, that the minimum
price which said commissioners shall take for said land, shall be
Proviso. seventeen dollars per acre, payable in four annual instalments, to
carry interest from the day of lease, with permission to the purchas-
er or purchasers to withhold the punctual payment of the three first

instalments, after they become due, for two years after the time each of said instalments become due, upon the punctual payment of the

interest accrued thereon; which payments by instalments shall be secured by bond with at least two good and sufficient securities, together with a deed of trust on the premises leased.

Sec. 5. And be it further enacted, That as soon as the whole or any one of said instalments shall be collected, it shall be the duty of said school-commissioners to vest the proceeds in stock of the Bank of the United States, or the Bank of the state of Alabama, as they may choose, which stock shall be entered on the books of said Bank in the name of the school commissioners of the fourth township, eighth range west from Huntsville, and their successors in office. And said school-commissioners and their successors in office, shall have power and they are hereby authorized to draw the dividends of said stock, and appropriate the money to the support of the public school in said township, provided, that nothing herein contained shall be so construed to vest in said school-commissioners or their successors in office, the power of selling, transferring or in any manner disposing of or interfering with said stock, other than to draw for and receive the dividends, which may from time to time, be declared on said stock.

Duty of commissioners.

Sec. 6. And be it further enacted, That a majority of said school commissioners shall constitute a board for the transaction of all business relating to the duties of their appointment. That they, in addition to the powers herein before granted, shall be and they are hereby authorized and empowered to appoint a clerk and treasurer of their board, to prescribe their duties, and to bind them to a faithful discharge thereof, in such manners as they may think proper and best; provided nevertheless, that if at any time, by death, resignation, removal or otherwise, less than a majority of the whole number of said commissioners should be in office, those in office, or a majority of them may and they are hereby authorized to take the steps prescribe by the previous sections of this act, to fill such vacancies: Provided that this act shall not take effect, until the consent of the inhabitants of said township shall be obtained thereto.

Majority to constitute a board.

Commissioners may appoint clerk & treasurer.

Proviso.

(Approved, January 12, 1826.)

AN ACT to extend the corporate limits of the town of Mobile, and for other purposes.

Whereas, it appears to this General Assembly, by the petition of sundry inhabitants of the town of Moulton and its immediate vicinity, that they are desirous of having the corporate limits of said town extended—

Preamble.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the corporate limits of the town of Moulton in the county of Lawrence, as heretofore established by law, be, and they are hereby extended on the north of said town nine hundred feet, or the depth of three blocks of lots with sufficient alleys, on the east side twelve hundred and twenty feet, being four blocks of lots with sufficient alleys on the south to the southern boundary line of the sixth township, seventh range, and on the west six hundred feet the length of two blocks of lots, with sufficient alleys.

Corporate limits of Moulton extended.

Sec. 2 And be it further enacted, That the corporation of said town of Moulton, be, and they are hereby authorized and permitted to open or keep open any drain or drains ditch or ditches, through the land of any person or persons adjoining said town and not ex-

Corporate powers.

ceeding half a mile therefrom, and to inflict suitable penalties on any person or persons, who may obstruct any ditch or drain now opened

or hereafter to be opened by virtue of the authority hereby given: provided nevertheless, that said corporation before opening any ditch or drain, as herein before authorized, shall advertise that application will be made at some term of the commissioners court of said county of Lawrence as in case of opening a road, for a jury of seven men to be named by said corporation to mark a way for such ditch or draw, and that the owner of the land through which the same may run, shall have sufficient time allowed to ascertain the damages he may sustain thereby, by a writ from the commissioners court of said county, to be assessed as in cases of roads, which damages so assessed, shall be paid out of the treasury of said corporation.

Sec. 3. And be it further enacted, That said corporation be, and they are hereby authorized in addition to the tax now levied, to levy on and collect of each male person above the age of twenty-one years, inhabiting said town the sum of fifty cents; and that the inhabitants of said town be, and they are hereby exempted from working on roads without the same, but shall be bound by personal labor or such sum or sums in lieu thereof as said corporation may require to keep the streets and public square of said town, and the ditches or drains now or hereafter opened by said corporation, in good repair.

Sec. 4. And be it further enacted, That the plan and boundary of said town, so soon as extended, shall by the president of said corporation be laid before the commissioners court of said county of Lawrence, who upon sufficient evidence of its correctness, shall admit the same to record—which record shall be evidence of the plan of said town, provided nevertheless, that nothing in this act contained shall be so construed as to authorize said corporation to extend a street or lay off any lot or lots within the extended limits of said corporation, as described in the first section of this act, unless the consent thereto of the owner or owners of the land be first had and obtained; and provided also, that the property within said extended limits of said corporation shall not be taxed by this state as town property until the same be laid off and divided into lots with the consent of the owners of the land; but said corporation may tax the same as town property to raise a town tax.

Sec. 5. And be it further enacted, That the president of said corporation, be, and he is hereby invested with the authority and jurisdiction of a justice of the peace of this state: Provided, that he shall not take cognizance or have jurisdiction of any breach of the peace, or other offence committed without the limits of said corporation.

[Approved, January 6, 1826.]

AN ACT to incorporate the town of Florence in the state of Alabama.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened,

That the inhabitants of the town of Florence by the name of "The Mayors and Aldermen of the town of Florence" be, and they are hereby constituted a body politic and corporate, and by that name shall sue and be sued, grant, receive and do all other acts as natural persons, and may purchase and hold property, real and personal, and dispose of the same for the benefit of said town, and shall have a seal which may be changed at pleasure.

Sec. 2. And be it further enacted, That the boundaries of said town, as incorporated by the first section of this act, shall be as fol-

lows, to wit: Beginning where the street running between Henry and Andersons's warehouse and Matthew Neal's tavern intersect Ten-

nessee river, thence with the direction of said street continued and along its western boundary one hundred yards into Tennessee river, thence up the river in a direct line to the point of the island opposite said town, thence up the north bank of said island to a point opposite to where the circular road leaves the river, thence northwardly across the site to the circular road, then with the same to the beginning.

Corporate
limits.

Sec. 3. And be it further enacted, The corporation of the town of Florence consisting of the mayor and aldermen, shall consist of twelve members, residents and freeholders in said town; the aldermen to be elected annually, on the first Monday in December in each and every year, by ballot, at an election by the qualified electors for members of the general assembly, within the bounds of said corporation, and by persons holding a lot or part of a lot within said bounds by deed or bond bona fida, which elections shall be holden by the sheriff of Lauderdale county, and three respectable freeholders to be by him summoned as judges thereof, in which he shall be governed by the laws regulating elections for members of the general assembly, and that the twelve persons having the highest number of votes shall be aldermen for the ensuing year; and if any two or more of the highest number of votes should have an equal number, it shall be the duty of the sheriff ex-officio to declare which of such persons shall be aldermen, and give to the person so elected a certificate to that effect; and that the aldermen so elected shall, after taking the oaths required by law to be taken by all civil officers in this state, and an oath to discharge without favor or partiality the duties imposed by this act, proceed to elect by ballot one of their number, who, when elected, shall be mayor for the ensuing year; and for the more speedy organization of said corporation there shall be an election holden by said sheriff for aldermen of said town in manner above set forth, on the first Monday in February next, who shall hold their offices until the next general election for aldermen, and until their successors shall be qualified: Provided, that if the sheriff should fail at any time to hold an election at the time herein appointed, it shall be his duty to advertise in three of the most public places in said town, setting forth the time, not exceeding ten days, at which he will hold an election for aldermen for said town.

Number of
Aldermen.

How elected.

Sheriff to
hold election.

His duty.

Aldermen to
elect a mayor.

Sec. 4. And be it further enacted, That the mayor of said corporation shall, ex-officio, possess and have all the powers of a justice of the peace, and in addition to the oaths prescribed by this act to be taken by the alderman, he shall take an oath, without favor or partiality, to discharge the duties incident to said office.

Mayor to be
ex-officio jus-
tice of peace.

Sec. 5. And be it further enacted, That the mayor and aldermen, or a majority of them being present, shall have power to appoint a clerk and an attorney to the incorporation, to hold their appointment during good behavior, but subject to be removed by the mayor, with the concurrence of three-fourths of the aldermen in office; also to appoint annually an assessor or assessors, a collector of taxes, a treasurer, a constable or constables, an inspector or inspectors of roads, streets, lanes, alleys, yards, fences, out-houses, &c. and all other officers which may be necessary to carry this act into effect, to pass by-laws and ordinances not inconsistent with the constitution and laws of this state, to regulate the stationing, anchorage and mooring of vessels within their jurisdiction; to prevent and remove nuisances; to prevent the introduction of contagious or

Mayor &c.
appoint cer-
tain offices.

Pass by-laws.

infectious diseases within said corporation, by regulating the ap-

proach of vessels having sick on board and the landing on the sick or of articles calculated to produce disease; to provide places for the reception of the sick; to erect or join the county of Lauderdale in the erection of hospitals, work-houses, houses of correction, and other buildings for the use of said town; to establish night watchers and patrols; to erect lamps; to provide for the regulating and licensing hawkers and pedlars and retailers of spirituous liquors within the incorporation, and to annul and restrain the same; to restrain and prohibit gambling; to license and regulate theatrical and other public exhibitions and to restrain the same; to erect and repair bridges, open all necessary street, avenues, drains and sewers and to keep the same in repair, and to inflict appropriate fines and penalties for injuring or in any way obstructing the same; to establish five wards and fire companies; to sink wells and erect and repair pumps in the streets and public ground; to provide for the extinguishment and prevention of fire; to lay taxes and provide for the collection of the same; to regulate party fences, and to determine by whom the same shall be made and kept in repair; to restrain and prohibit the nightly and other meetings, or disorderly assemblies of slaves, free negroes and mulattoes, and other knavish and disorderly persons; to restrain and prevent the trading with slaves; to annex and enforce the execution and collection of fines and penalties for violating any of the by-laws or ordinances adopted for the regulating of said town.

Mayor and Aldermen to levy taxes. Sec. 6. And be it further enacted, That the mayor and aldermen shall have power to lay a tax on all property taxable by the laws of the state, real or personal, as well as a poll tax: Provided, that they shall not be allowed to lay a tax exceeding the state tax on property, nor a poll tax on free polls exceeding one dollar: And provided also, that the tax on property be land in pursuance of an assessment and valuation of said property by an assessor or assessors, freeholders of said incorporation appointed by the board, which assessment shall be made in pursuance of an order from the board, and return to the clerk of the incorporation, containing a list of the property so assesses, with the names of the owners thereof and value of each article distinctly; and that said mayor and aldermen shall have power to direct the mode of making out assessments and of correcting the same, and to prescribe the mode and time in which tax where the same has been given in to the assessor for tax, or for collecting a double tax where the same has not been given in for tax and assessment either by distress sale or otherwise, and said board shall have full power to prescribe the mode and time in which the collector shall collect and pay over the money by him collected, and to enforce obedience and punctuality in their officers by proper and appropriate penalties in a summary manner, to be prescribed by motion before said board, whose order or judgment in all such cases shall have the force of a judgment on which a similar process may issue as from the circuit court, and to prescribe a mode by which, in like manner, judgment may be had against any of their officers and securities by motion before the board.

Officers to give bond. Sec. 7. And be it further enacted, That the clerk, collector, treasurer and constable of said incorporation before they enter upon the discharge of the duties of their appointment, shall enter into bond with security to the mayor and his successors in office, in the sum of two thousand dollars, conditioned for the true and faithful

discharge of the duties attached to said appointment, on which an action may be brought in the name of the mayor or successor, for

the use of the corporation or party injured, before any tribunal having jurisdiction thereof.

Sec. 8. And be it further enacted, That the mayor and aldermen shall on or before the first Monday in November, in each and every year publish in some newspaper in Florence a report, which shall contain a true statement of the receipt of any monies into the treasury of the incorporation, together with an exact and methodical account of the appropriations and disbursements made thereof, and that not appropriation of the monies of the incorporation shall take place but in pursuance of an order of the board, and that there shall be kept by said incorporation a record of their proceedings, in which all the ordinances by law and orders of said incorporation shall be regularly entered, which on every adjournment shall be read and signed by the mayor, and that a regular certified copy of any of the proceedings of said board, by the clerk shall be received as evidence prima facie of the fact, and that the record of the proceedings of said board shall be open at all times for the inspection of any person interested therein.

Mayor and aldermen to publish in some newspaper a statement of the receipts of money, disbursements

&c.

Sec. 9. And be it further enacted, That the constable or constables appointed in pursuance of this act, shall possess the same powers, privileges, &c. within the boards of said incorporation, and in pursuance and execution of this act as constables under the state laws, and that the officers of the incorporation unless otherwise provided for by the board, shall have the same fees as state officers for like services.

Constables their powers.

Compensation.

Sec. 10. And be it further enacted, That the mayor possessing all the powers, within the bounds of said incorporation, of a justice of the peace, shall have exclusive jurisdiction of all matters and things arising under any of the regulations, ordinances and by-laws of the incorporation, and shall have power and jurisdiction and to hear and determine all fines and forfeitures arising under the laws of the incorporation, where the same does not exceed fifty dollars: Provided however, that in all cases whenever either of the parties shall be dissatisfied with his decision, he, she or they may appeal therefrom to the next term of the circuit court, under the same rules and regulations as prescribed for taking appeals from judgments of justices of the peace under the state laws.

Mayor ex-officio Justice of the Peace his jurisdiction, &c.

Proviso

Sec. 11. And be it further enacted, That the mayor and aldermen, a majority of them being present, shall have power, by an order of the board, to award to the officers of the corporation such sum or sums as may be reasonable and just for any services they or either of them may have rendered the corporation, for which no specific fees may have been provided for by law, and that the aldermen at their last meeting next preceding the annual election, in the absence of the mayor, shall make an order in favor of the mayor, which will authorize him to draw out of the treasury such sum as they may deem a reasonable compensation for his services for the preceding year.

Mayor and aldermen to fix the compensation of officers.

Sec. 12. And be it further enacted, That a majority of the aldermen with the mayor, in all cases not otherwise provided for, shall constitute a quorum to transact business, and that in case of the death, removal, refusal, or inability to act of the mayor, the aldermen shall proceed to elect another in his stead, and that the mayor and aldermen in office, shall continue to act until their successors shall have qualified.

What number to constitute a quorum.

[Approved, January 7,

RESOLUTIONS providing for the disposal of the public property in town of Cahawba.

Door-Keeper Section 1. Be it resolved by the Senate and House of Representatives of the state of Alabama, in general assembly convened, his duty. That it shall be the duty of the door-keeper of the Senate,

immediately after the adjournment of the present session of the General Assembly, to collect the furniture belonging to each branch of the Legislature, and deposit the same in the Senate chamber, which he shall securely lock up, and hand over the keys to the state treasurer.

Duty of the treasurer. Sec. 2. Be it further resolved, That it shall be the duty of the Treasurer as aforesaid, at some convenient period, previous to his removal from Cahawba, to sell on such terms as he may think most conducive to public interest, all the property appertaining to either branch of the legislature which he may not find it convenient to have removed to the town of Tuscaloosa.

Futher duty. Sec. 3 Be it further resolved, That it shall be the duty of the state treasurer, whenever the several public buildings at Cahawba, are abandoned, by the public authorities, to appoint some fit and suitable person to take charge of the same, for such terms, and on such conditions as he may think expedient.

Treasurer Sec. 4. Be it further resolved, That the treasurer of this authorized to state, be, and he is hereby authorized to sell, at some convenient time after the adjournment of the General Assembly, the state house and lot on which it is situated in the town of Cahawba, either for cash, or on such reasonable credit as he may think proper; provided however, that the said state house shall not be sold for less than three thousand dollars.

Proviso. Sec. 5. Be it further resolved, That the sum of five dollars be, and the same is hereby appropriated for the payment of the door keeper for such service.

(Approved, January 14, 1826.)

AN ACT to compel those making Salt Petre in this State to enclose in their works.

Salt Petre Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, works to be That any person or persons who may be engaged in the enclosed.

manufacture of salt petre in this state, shall inclose the same with a strong substantial fence at least ten rails high, all the works which may be used by him or them, within three days after he or they shall erect such works; and all those who may have such works in operation, shall inclose the same in like manner on or before the first day of March next.

Penalty. Sec. 2. And be it further enacted, That if any person or persons shall fail to comply with the requisition of the first section of this act, shall on conviction thereof, be fined by the jury trying the same in a sum not less than twenty dollars, nor more than one hundred dollars, to be paid to the use of the person or persons aggrieved thereby.

When to take effect. Sec. 3. This act shall be in force from and after the first day of March next. (Approved, Jan. 13, 1826.)

AN ACT is provide for holding two terms of the Supreme Court, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened

That in all cases in which the judgment, sentence or decree of any inferior court, shall be affirmed in the supreme court, it shall be the duty of the said supreme court to render judgment against the security or securities in the bond executed on obtaining the appeal or writ of error, in the same manner and for the same sum for which judgment shall be rendered against the plaintiff or plaintiffs, complainant or complainants in the said supreme court; and that it shall be the duty of the clerk of said supreme court to certify the judgment of the said supreme court, to the court from which the said cause came, against both the principal and the surety or sureties; and it shall be the duty of the clerk of th court whose judgment or decree shall have been affirmed, immediately on the receptions of the said certificate, to issue execution returnable to the next term of the said court against the person or persons against whom judgment shall have been rendered in the said supreme court, and for the amount of the said judgment, in pursuance of the certificate from the clerk of the said supreme court.

Court to render Judgment against securities on appeals or writs of error.

Clerk's duty.

Sec. 2. And be it further enacted, That the supreme court shall, hereafter be holden at the town of Tuscaloosa, on the first Mondays in July and January, in each and every year, and shall continue at each term until the business before the said court shall have been gone through.

Court, when and where holden.

Sec. 3. Be it further enacted, That in all cases in which the judge of any inferior court shall have or may hereafter fail or refuse to certify any exception taken on the trial of any cause it shall and may be lawful for the said supreme court to receive such evidence of the exception as may be satisfactory to it, and to try the said cause in the same manner as if the said exception had been certified by the judge who tried the said cause.

Bill of exceptions.

SEC. 4. And be it further enacted, That the return of any sheriff that he has served, executed or made known any scire facias, shall be good and sufficient without its being served, executed or made known in the presence of witnesses; and that a scire facias to the legal representatives of any plaintiff or defendant who may have died pending the suit, may at any time issue from the office of the clerk of the court in which the said course may be pending.

Sheriff's return of a scire facias valid, without being served in the presence of witnesses.

(Approved, January 14, 1826.)

AN ACT TO repeal in part an act, approved Dec. 15, 1824, declaring Flint reiver in Morgan county, a public highway.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That so much of said act, as prohibits the building of bridges, above the mouth of Shoal creek, be and the same is hereby repealed. (Approved, Dec. 28, 1825.)

AN ACT better to secure the revenue arising from licenses granted to tavern keepers and others.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That from and after the passage of this act, it shall the duty of the clerk of the county court of each and every

Clerk to ren- county in this state, to render on or before the first Monday to assess- day in November, in each and every year, to the assessor or and tax col- and tax collector of his county, a statement on oath of the lector a state amount of all the licenses granted by the county court from ment of licen- any revenue may have accrued to the state; together with ces granted. the amount of all the licenses granted by himself to hawkers and pedlars, from the time of giving in the same on the preceding year, up to the said first Monday in November.

Sec. 2. And be it further enacted, That the clerks aforesaid, shall transmit to the comptroller of public accounts a duplicate of the statement furnished the assessor and collector, certified by the judge of the county court, (whose duty it shall be to certify the same) on or before the third Monday in November in each and every year.

Sec. 3. And be it further enacted, That the statement so furnished the assessor and collector, shall have the force of an execution, and the property of all kind, both real and personal of the clerk and his securities, shall be liable for of an execution. the same in case of failure, to pay the amount due thereon.

Sec. 4. And be it further enacted, That any clerk failing to render such statement to the assessor and collector at the time and in the manner prescribed by the second section of this act, shall forfeit and pay for each and every such failure, the sum of five hundred dollars, to be levied and collected in the manner provided by law for the collection of the state and county taxes.

Sec. 5. And be it further enacted, That if the clerk shall fail to furnish the comptroller with a duplicate of the statement aforesaid, on or before the time and in the manner prescribed by the second section of this act, he shall forfeit and pay for each and every failure the sum of five hundred dollars, to be levied and collected in the manner provided by law for the collection of the state and county taxes, and the certificate of the comptroller of such failure, shall be sufficient evidence to authorize the assessor and collector to distrain and sell the property, real and personal of the clerk and his securities, for the amount of the forfeiture aforesaid.

Sec. 6. And be it further enacted, That the assessor and collector shall receive the same commissions on all monies collected by him under the authority of this act, as he is or and tax collector entitled to receive on the collection of the state and county taxes, and he shall pay the same over to the state and county treasuries at the time he is required by law in the case of other taxes, and the same proceedings may be had against him to recover the amount due, as in the case of other taxes.

[Approved, January 13, 1826.]

AN ACT grating rener to parties in the supreme court in certain cases.

Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That in all cases in the supreme court now pending, or that may be hereafter pending, where some of the members of the court are deemed incompetent by reason of affinity to either of the parties, or by reason of having been of counsel for either of the parties, or by reason of having been the presiding judge who tried the case in the court below, or by reason of having an interest in the event of the suit, in all such cases the remaining members of the court, not being incompetent as above, are hereby deemed and declared a competent court for the trial thereof, whether such remaining judges be a majority of the court or not: Provided that this act shall not operate or be in force after the end of the present term of the supreme court.

(Approved, December 28, 1825.)

AN ACT for the relief of certain persons therein referred to.

Whereas it has been represented to the General Assembly by the petition of Maximilion Dubroca that his late brother Hugue Dubroca, who resided within the limits of the country governed by Spain before the American government took possession thereof, died leaving several children by a slave mother, in whose favor he executed deeds of manumission, but in consequence of said deeds not having been passed before the commandant and recorded in his office, they are wanting in those formalities that would entitle the persons manumitted by them to the privilege of freedom in a court of law—

Preamble.

Be it therefore enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That certain deeds of manumission or instruments of writing severally executed and signed by Hugue Dubroca, Benjamin Dubroca, Hilaire Dubroca, and Maximilion Dubroca, enfranchising and manumitting from the bonds of slavery the persons of colour therein mentioned, be, and the same are hereby declared to be valid, and good in law for the purpose of enfranchising and freeing from slavery the said persons therein mentioned: Provided, the said deeds be recorded in the office of the clerk of the county court of Mobile county within three calendar months from the date of the passage of this act: And provided also, that the said Maximilion Dubroac, within three calendar months after the passage of this act, enter into bond with approved security to the judge of the county court of said county, in the penal sum of three thousand dollars, conditioned that the persons manumitted by the aforesaid deeds shall never become chargeable to the state, or the any city, county or town therein.

Certain deeds
of manumis-
sion declared
valid.

Proviso.

(Approved, January 12, 1826.)

AN ACT to alter the times of holding company martial.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That company courts martial of the militia of this state shall be hereafter holden on the days appointed for their suceeding musters.

(Approved, January 12, 1826.)

AN ACT declaring Paint Rock river a public highway.

SECTION 1. Be it enacted by the Senate and House of Representatives, of the State of Alabama, in general assembly convened, That Paint Rock river of Jackson county, be, and the same is hereby declared a public highway, from its junction with the Tennessee river, up the same to the mouth of Larkin's fork.

Sec. 2. And be it further enacted, That if any person or persons shall fell any tree or trees, or build any fish trap or fish traps, or mill dam, so as to obstruct the free navigation of said stream, the person or persons so offending, on due proof thereof, shall be fined in a sum not exceeding twenty dollars before any justice of the peace; one half to the use of the informer, and the other half to the use of the county, and in addition to the fine imposed by this act, the person or persons offending as aforesaid, shall pay one dollar per day for every day such obstruction may be suffered to remain in said stream.

Sec. 3. Be it further enacted, That this act shall take effect, and be in a force, from and after the first day of March next. (Approved, January 4, 1826.)

AN ACT to authorize Green Collier to erect a dam across Flint river, in Morgan county.

Preamble. Whereas it appears to this general assembly, by the petition of Green Collier and other citizens of Madison county, that public convenience should be promoted and no material injury done to the navigation of Flint river, by permitting Green Collier to erect a dam across said river sufficiently high to throw the water, when low, into the channel on which said Collier now has a useful grist-mill and cotton-gin.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That Green Collier, be and he is hereby authorized and permitted to erect a dam across Flint river in Madison county below the head of navigation, sufficiently high to throw the water of said river, when low, into the channel on which said Collier now has a grist mill and cotton gin, for the purpose of aiding the operation of said mill and gin, provided nevertheless, that said dam shall be so constructed as to admit by a gateway or otherwise, an easy passage for boats, when the waters of said river are sufficiently high to be navigable at other places, heretofore declared navigable.

Sec. 2. And be it further enacted, That if said Green Collier shall erect a dam across Flint river, differently or higher than authorized in the first section of this act, and thereby obstruct the navigation thereof when the same is nagigable at other places heretofore declared to be navigable, he shall forfeit and pay the sum of ten dollars for each and every week, such unlawful dam shall be permitted to stand, to be recovered before any justice of the peace of said county of Madison, one half to the use of said county, and the other half to the use of the person suing for the same, and shall moreover be subject to an action for dama-

ges, by any person or persons whose property may be injured in passing such unlawful dam.

Sec. 3. And be it further enacted, That John Jordan and John Parris of Marengo county, be, and the same are hereby authorized to build a saw and grist mill on Chickasaw Bougue creek, in said county, on their own land, to wit: on the east half of the S. W. quarter of section 26, in township 16, range two, east. (Approved, January 9, 1826.)

John Jordan
and John Parris authorized
to build a saw
& grist mill.

AN ACT

To provide against an unnecessary detention of Grand Juries, and for purposes.

SECTION 1. Be it enacted by the Senate of House of Representatives of the state of Alabama in general assembly convened, That hereafter the grand jury empannelled for any county, shall not be detained for more than four days, unless cause be shewn to the court for such detention.

Grand Juries
not to be de-
tained more
than four
days.

SEC. 2. And be it further enacted, That hereafter it shall be the duty of the court, either with or without a motion to that effect, to tax the prosecutor with or without a motion to that effect, to tax the prosecutor with the costs of prosecution in all cases, in which it shall appear that the prosecution is either malicious or frivolous.

Court to tax
the prosecu-
tor of a mali-
cious suit
with costs.

Sec. 3. And be it further enacted, That no person or persons shall be indicted for any assault, or assault and battery, after the expiration of six months from the commission of the offence, unless he, she or they, thus offending, shall have been recognized within that time to appear at some court, having cognizance of said offence, except always such person or persons as may have fled from justice. (Approved, January 12, 1826.)

Indictment
for assaults &
battery, how
limited.

AN ACT

To provide a speedy remedy against the obligors in injunctions bonds.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That all and every bond or bonds executed for the purpose of obtaining an injunction or injunctions, shall, on the dissolution of the said injunction or injunctions, have the force and effect of a judgment; and it shall be lawful for the party or parties, whose judgment may have been enjoined, to take out execution against all the obligors in the bond or bonds, for the amount of the judgment which shall have been enjoined, together with lawful interest thereon, and also the costs incurred in and about the said chancery proceedings. (Approved, January 12, 1826.)

AN ACT giving further time to persons holding claims against their respective counties to file the same.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in general assembly convened, That all persons holding claims against the respective counties of this state, and which have not been filed according to the provisions of an act, passed December ninth, eighteen hundred and twenty-three, have further time to file the

same until the first day of December next, any law to the contrary notwithstanding. (Approved, Jan. 12, 1826.)

AN ACT to repeal an act, passed Dec. 31, 1823, appropriating the monies arising from fines & forfeitures in Madison county to Green academy.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the act appropriating the monies arising from fines and forfeitures in Madison county to the benefit of Greene academy, be and the same is hereby repealed: Provided nevertheless, that the repeal of the law contemplated by the passage of this act shall not prevent Thomas Phillips from receiving the amount therein specified should he not have received the same before the passage of this act.

(Approved, January 12, 1826.)

—
AN ACT declaring Pine Barren creek, in Wilcox county, a public highway.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That Pine Barren creek, in Wilcox county, from the mouth of Bear creek to its confluence with the Alabama river, be, and the same is hereby declared a public highway: Provided, that nothing in this act contained, shall be so construed as to prevent any person from building mills or any other water works on said creek, who do, or may hereafter own land on the creek aforesaid.

(Approved, January 13, 1826.)

—
AN ACT to amend an act entitled an act to prevent immoral and disorderly conduct at places of religious worship.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That hereafter it shall not be lawful for any person or persons to sell, at or near any camp-meeting association, or any other religious meeting, during the continuance of such meeting, any cider or beer, or any other thing whereby the said meeting may be disturbed; and that any person or persons violating this act shall be liable to the penalties prescribed by the act, to which this act is an amendment, and to be recovered in the manner directed by the said act.

(Approved, January 12, 1826.)

—
AN ACT to authorize the commissioners of the 16th section therein mentioned, to appropriate the rents thereof to the aid and support of Concord academy.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That the commissioners of the sixteenth section, in township twenty-two, range four, east of the St. Stephens meridian, Freeman's survey, in the county of Greene, be and they are hereby authorized and empowered, by and with the consent of all the inhabitants of said township, to appropriate annually the proceeds arising from the said sixteenth section, to the aid and support of the Concord academy, in the aforesaid township, so long as they may deem it expedient.

(Approved, Jan. 12, 1826.)

AN ACT to repeal in part, and amend an act, entitled an act to fix the permanent seal of justice, and levy a tax to build a court house and jail in Washington county, passed December 23, 1815.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened, That the first section of the above recited act, be, and the same is hereby repealed, provided, that the same be so construed as to give effect and validity to all and singular the several acts and matters done in pursuance thereof.

Repealing
clause.

Sec. 2. And be it further enacted, by the authority aforesaid, That so much of the lands described in the first section of the said act, (not otherwise disposed of,) be, and the same are hereby vested in the county court of Washington; and the said county court shall have full power and authority to dispose of the said lands, or any part thereof, for the use of the said county, under such rules and regulations as they or a majority of them may deem most suitable.

Lands vested
in the county
court,— who
are authoriz-
ed to dispose
of the same.

Sec. 3. And be it further enacted, That the certificate of the clerk of the said court, under his official sea, describing the metes and bounds of the said lands, or any part or parcel thereof, setting out the payment of the purchase money accordingly as it may appear, from exhibit made by the county court aforesaid in this behalf, be, and the same is hereby, declared sufficient evidence of title, in any of the courts of law or equity in this state: Provided, that the same be recorded in the clerk's office of the said county court, within six months after the date of the said certificates.

Clerk's cer-
tificate, evi-
dence of title.

Proviso.

Sec. 4. And be it further enacted, That all laws, and parts of laws, coming within the meaning and purview of this act, be, and the same are hereby, repealed.

Repeal.

(Approved, January 13, 1826.)

AN ACT to amend the several acts now in force, respecting the town of Montgomery.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the corporate authorities of the town of Montgomery, shall extend over the south west quarter of section number seven, township sixteen, range eighteen, and fractional section number twelve, township sixteen, range seventeen, and no further.

Corporate au-
thority exten-
ded.

Sec. 2. And be it further enacted, That all the streets in the said town, shall remain of the same width fo which they were originally laid out, and all buildings or other obstructions of whatever nature or kind which have been or may hereafter be erected on said streets are hereby declared to be nuisances, and the corporate authorities of the said town are hereby vested with full power and authority to pass such by-laws or ordinances, and impose such fines and penalties, not repugnant to the laws of this state, for the removal and suppression of such nuisances.

Corporate
powers.

Sec. 3. And be further enacted, That not person shall be eligible as a member of the council of said town, unless he be a lot holder or land holder within the said town.

Repeal.

Sec. 4. Be it further enacted, That the fourth section of An act passed the 20th December, 1823, entitled an act pointed out the manner by which the towns of Tuscaloosa and Montgomery shall be kept in good o'der, and for other purposes, be and the same is hereby repealed.
(Approved January 13, 1826.)

AN ACT to authorize Joseph Price to erect a mill-dam across the Mulberry fork of Tuscaloosa river.

Joseph Price
authorized to
erect a mill-
dam.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That Joseph Price of Walker county, be and hereby is authorized to erect a mill-dam across the Mulberry fork of the Tuscaloosa river, at or near his place of residence, provided the same shall not exceed in height on any part thereof two feet six inches.

To give bond.

Sec. 2. And be it further enacted, That the said Joseph Price, before he shall proceed to erect said dam, shall enter into bond with good and sufficient securities, to be approved of by the court of Walker county, payable to the Governor of the state of Alabama and his successors in office, in the sum of five thousand dollars, conditioned that the said Joseph Price shall pay all damages that may be sustained by any person or persons in passing said dam with any boat or water-craft.

Bond to be
deposited in
clerk's office.

Sec. 3. And be it further enacted, That the said bond shall be deposited in the office of the clerk of the county court of Walker county, to be sued upon by any person who may have sustained any injury by passing the said mill-dam with any boat or water-craft, and the same shall not be void upon the first recovery, but may be sued upon from time to time until the whole penalty is recovered.

be so construed

Sec. 4. Be it further enacted, That nothing in this act shall be so construed as to authorize the said Joseph Price to erect any mill-dam across the aforesaid stream, unless permission be granted for the erection of the same, on a writ of ad quod damnum, pursuant to the existing laws.

(Approved, January 7, 1826.)

AN ACT for the relief of the Mobile and Tombeckbee Banks, against certain penalties heretofore incurred.

Mobile and
Tombeckbee
Banks relea-
ed.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Mobile and Tombeckbee Banks be, and they are hereby, released from all the penalties they and each of them have heretofore incurred, for the non-payment of the taxes, which have been imposed by law: Provided, That the said Banks shall, on or before the first day of March next, pay into the treasury of this state, the full amount of all taxes which may be due from said Banks, respectively, to this state, together with all interest due and accruing on said taxes, to be computed from the several times when the said several taxes become due, until paid, and provided further, that the said Banks respectively, shall

pay and satisfy, on or before the said first day of March next, all costs including all fees due or paid to assistant counsel, by the state, which may have been incurred, by the prosecution of any suit or suits in favor of the state, against the said Banks respectively: and provided further, that the said banks and each of them, shall, on or before the said first day of March next, pay to the solicitor of the first judicial circuit of this state, the sum of five hundred dollars, for services rendered, in the institution and prosecution of said suits.

Proviso.

Sec. 2. And be it further enacted, That if the said Banks or either of them, shall fail to pay all taxes which may be due, together with the interest, costs and solicitor's fees as aforesaid, within the time prescribed by and pursuant to the provisions of the first section of this act, then the penalties heretofore incurred, shall be and remain in full force against said Banks respectively, any thing contained in the first section of this act to the contrary notwithstanding; Provided however, that if wither of the said Banks, shall pay all taxes, interest, costs and fees, within the time and pursuant to the provisions of the first section of this act, the the Bank so complying shall be relieved from said penalties, notwithstanding a failure by the other Bank, to comply with the provisions of the said first section of this act.

Penalty.

Proviso.

(Approved, January 11, 1826.)

AN ACT making appropriations for certain claims against the State

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That the following sums be, and they are hereby, appropriated for the payment of the accounts of certain persons hereinafter mentioned, for provisions furnished to certain persons in the jails of the several counties within this state, to wit: to Convington Ednondson, of Limestone county, one hundred and twenty-six dollars and eighty cents; to R. Carathers, of Madison county, three hundred and fifty-two dollars; to Joseph N. Baker, of Lauderdale county, one hundred and seventeen dollars and twenty cents; to Pinkney Holly, of Perry county, sixty dollars; to Jeremiah Vestal, of Blount county, twenty-five dollars and en cents; to John Beckham, of Clarke county, fifty-one dollars and twenty cents; to William Y. Glover, of Tuscal osa county, forty-eight dollars and forty cents; to David C. Frazer, of St. Clair county, forty-two dollars and eighty cents; to Marble Stone, of Montgomery county, forty-four dollars and ten cents; to John Giddens, of Montgomery county, three dollars and sixty cents; to John Moody, of Montomery county, two hundred and ninety dollars and sixty-five cents; to Stephen Coleman, of Montgomery county, nineteen dollars and twenty cents; to William Holbrooks, of Autauga county, eighty-six dollars and eighty cents; to John O. Burton, twenty-eight dollars and forty cents; to John M. Bates, of Greene county, twenty-two dollars and

C: Edmondson

R: Carathers

J.N: Baker

P: Holly

J: Vestal

J: Beckham

W:Y: Glover

D:C: Frazer

M: Stone

J: Giddens

J: Moody

S: Coleman

W: Holbrooks

J:O: Burton

J:M: Bates

forty cents; to William W. Gary, of Dallas county, two hundred and sixty-eight dollars and sixty cents; to John B. Norris, of Dallas county, fifty-seven dollars and twenty cents; to George W. Myers, of Washington county, sixty dollars and eighty cents; to William Tinner, of Washington county, eighty-eight dollars; to James Conway, of Baldwin county, one hundred and four dollars and thirty-eight cents; to Benjamin Arnold, of Marion county, fifty-four dollars and forty cents; to Ephraim Pharr, of Wilcox county, thirty-four dollars and eighty cents; to Thomas Adams, of Marengo county, ten dollars and forty cents; to Benjamin Barton, of Marengo county, twelve dollars and eighty cents; to William M. Hewitt, of Covington county fourteen dollars: to be paid out of any monies in the treasury not otherwise appropriated.

Sec. 2. And be it further enacted, That the sum of fifty dollars be, and the same is hereby, appropriated to the payment of David McClung, for apprehending and prosecuting, to conviction, in the circuit court of Morgan county, Samuel McKinney, for the crime of horse stealing; that the sum of twenty-five dollars be appropriated to the payment of Abisha Evans, for apprehending and prosecuting, to conviction, in the circuit court of Morgan county, Adam Lowery, for the crime of horse stealing; that the sum of fifty dollars be, and the same is hereby, appropriated to the payment of George Whitten, for apprehending and prosecuting, to conviction, in the circuit court of Jackson county, Thompson Ruse, for the crime of horse stealing.

Sec. 3. And be it further enacted, That the sum of fifty dollars and seventy-five cents, be and the same is hereby, appropriated to the payment of John B. Norris, sheriff of Dallas county, being the balance due him for services rendered at the supreme court, in December term, 1824.

Sec. 4. And be it further enacted, That the sum of two hundred dollars be allowed and the same is hereby appropriated to the payment of Norris & Gary, to indemnify them for losses sustained by the lease of the public ferry across the Alabama river, in the year 1819, in consequence of the reduction in the rates of ferriage established by the county court of Dallas county, subsequent to the period the said ferry was leased to the parties aforesaid; payable out of the seat of government fund.

Sec. 5. And be it further enacted, That the sum of fifty dollars be, and the same is hereby, appropriated to the payment of B.B. Breedin, for ten day's services as judge advocate of the court martial, held in the city of Mobile, for the trial of a contested election for major of the Mobile battalion of Alabama militia, in the year 1822.

Sec. 6. And be it further enacted, That the sum of twenty-four dollars be allowed and the same is hereby appropriated to the payment of Benjamin Hudson, for services rendered as baliff of the circuit court of Franklin county, October term 1822, and April term 1823.

Sec. 7. And be it further enacted, That the sum of eighty-five dollars and twenty-five cents be appropriated to the payment of Carter B. Harrison, sheriff of Dallas county, for services rendered in attendance upon the supreme court, December term 1825.

C:B: Harrison

Sec. 8. And be it further enacted, That the sum of one hundred and twenty-eight dollars and twenty-five cents be allowed and the same is hereby appropriated to the payment of Jesse Beene, clerk of the supreme court, for stationery and books furnished by him for the office of said clerk, from 22d December, 1823, to the present date.

J: Beene

Sec. 9. Be it further enacted, That the sum of ninety-four dollars and eighty cents be, and the same is hereby, appropriated for the payment of Samuel Caldwell, jailer of Butler, for keeping and vicualling, in the jail of said county, certain state prisoners, in the year 1823; and that the comptroller of public accounts be authorized to issue his warrant in favor of the said jailer, on the certificate of any judge of the circuit court, that the said jailer is entitled thereto, or for so much as may be due by the certificate of said judge not exceeding the sum above mentioned.

S: Caldwell

Sec. 10. And be it further enacted, That David Hubbard, Esquire, solicitor of the fourth judicial circuit, be allowed the sum of two dollar, for prosecuting to conviction a negro man named John, the property of John A. Marrs, & Co. on a charge of murder; and the sum of ten dollars for prosecuting to conviction a negro man named Dave, the property of Chesley B. Rountree, on a charge of larceny; and the sum of ten dollars for prosecuting to conviction, a negro man named John, the property of Lewis T. Black, on a charge of murder; and the sum of ten dollars for prosecuting a negro John, for an assault with an intent to murder Michael Reed; and that the comptroller of public accounts issue his warrant in favor of said Hubbard, to the treasurer for the same.

D: Hubbard

Sec. 11. And be it further enacted That the sum of five dollars, be and the same is hereby appropriated to the payment of Robert H. Griggs, for his services as judge advocate at a general court martial, held at Canton.

R:H: Griggs

Sec. 12. And be it further enacted, That the sum of fifty dollars, be, and the same is hereby appropriated and ordered to be paid to General Samuel Dale, out of any monies in the treasury not otherwise appropriated, for fourteen days services rendered the state, in attendance on the United States commissioners, for ascertaining and marking out the most direct route from Washington city to New Orleans, in pursuance of the request of Israel Pickens, governor of Alabama.

Gen. Dale

Sec. 13. And be it further enacted That the sum of twenty three dollars and fifty cents, be, and the same is hereby allowed Thomas H. Wiley & company, for the balance of an account for stationery, and the comptroller is hereby,

T:H: Wiley

authorized and required, to draw his warrant for the same on the treasurer.

W: Murray Sec. 14. And be it further enacted, That the sum of eighty two dollars and eighty cents, be, and the same is hereby, appropriated to the payment of Wm. Murray, jailor of Franklin county, for victualling certain prisoners in the jail of said county.

J:G.Goodlet Sec. 15. And be it further enacted, That the sum of twenty-one dollars and sixty cents, be, and the same is hereby, appropriated to the payment of James Geo. Goodlett, for victualling certain persons in the jail of Monroe county.

T:A: Reed Sec. 16. And be it further enacted, That the sum of one hundred and two dollars and forty cents, be, and the same is hereby, appropriated to the payment of Thaddeus A. Reed, jailer of Jefferson county, for victualling certain prisoners in the jail of said county.

R: Wood Sec. 17. And be it further enacted, That the sum of twelve dollars, be, and the same is hereby appropriated to the payment of Robert Wood, for services rendered as per account, in marking out a road from Kimulgee creek in Shelby county, to Tuscaloosa, as per act of 1823.

J:A: Cotton Sec. 18. And be it further enacted, That the sum of forty dollars, be, and the same is hereby, appropriated to the payment of John A. Cotton, for acting as judge advocate of a general court martial, held at Montgomery, on the fourteenth of November, 1825.

P:G: Jones Sec. 19. And be it further enacted, That the sum of forty dollars and fifty cents, be, and the same is hereby, appropriated to the payment of Pleasant G. Jones, for services rendered during the visit of Gen. La Fayette to the town of Cahawba.

H: Hitchcock Sec. 20. And be it further enacted, That the sum of two hundred and seventy dollars, be, and the same is hereby, appropriated to the payment of Henry Hitchcock, for services rendered the state as attorney general.

J:A: Bates Sec. 21. And be it further enacted, That the sum of one hundred and sixty seven dollars and fifty cents, be, and the same is hereby, appropriated to the payment of James A. Bates, door keeper of the Senate, for stationary and fuel furnished the Senate during the present session.

J: Brown Sec. 22. And be it further enacted, That the sum of two hundred and sixty four dollars, be, and the same is hereby, appropriated to the payment of James Brown, door keeper of the House of Representatives, during the present period.

E: Easton Sec. 23. And be it further enacted, That the sum of twenty dollars, be, and the same is hereby, appropriated to the payment of Elisha Easton, sheriff and jailer of Morgan county for furnishing certain persons with provisions in the jail of said county for the year 1825, so soon as he shall present his account to the comptroller of public accounts, duly authenticated according to law.

Sec. 24 And be it further enacted, That the sum of ten

dollars be allowed to M.D. Thomason, for taking care of the public furniture of last year.

M:D: Thom-
son.

Sec. 25. And be it further enacted, That hereafter all accounts and charges against the state, shall be referred to the comptroller of public accounts, who shall audit the same in the manner now required by law; and in order to allow time for so doing, the comptroller shall receive and report all accounts and charges against the state, which may be presented within the first ten days of the session, instead of the time now fixed by law.

Comptroller's
duty.

Sec. 26. And be it further enacted, That the sum of five dollars, be, and the same is hereby, appropriated to the payment of Matthew D. Thomason, for one ream of paper, furnished the present General Assembly.

M:D: Thom-
ason.

Sec. 27. Be it further enacted, That the sum of two thousand dollars, if so much should be necessary, be, and the same is hereby appropriated for the purpose of defraying the expenses of transportation, and other charges consequent on the removal of the Bank of the State of Alabama, and also for providing and fitting up a house in the town of Tuscaloosa, suitable for the reception of the Bank aforesaid, which sum shall be subject to the draft and disposition of the president of said Bank.

Removal of
State Bank.

Approved, January 14, 1826.

AN ACT to regulate Elections.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That hereafter it shall be the duty of the sheriff or other returning officer of any general election, to summon one justice of the peace of the county where the election is to be held, to attend at each election precinct of said county, for the purpose of qualifying the managers appointed to such election precinct.

Sheriff to
summon Jus-
tice of the
peace to at-
tend election
precinct.

Sec. 2. And be it further enacted, That in case any justice of the peace fails to attend and qualify the managers at any precinct according to the provisions of this act, then it shall be the duty of the managers to apply to any other justice of the peace, whose duty it shall be to qualify the managers of such election.

In certain ca-
ses, managers
may summon
a Justice of
the peace.

Sec. 3. And be it further enacted, That whenever one or more of the managers appointed by the returning officer, shall fail to attend, or refuse to act, the remaining manager or managers, shall fill such vacancy or vacancies, and if all the managers shall fail to attend, or refuse to act, any justice of the peace shall be authorized to appoint the managers to such election precinct.

Managers fai-
ling to attend
Justice of the
peace to ap-
point mana-
gers.

Sec. 4. And be it further enacted, That if it should so happen that no justice of the peace can be procured to administer the oaths prescribed in this act, it shall be the duty of the officer holding said election, and he is hereby authorized to administer the oaths to the managers holding the election.

If no Justice
to be had,
how to pro-
ceed.

1825.

88

Managers to Sec. 5. And be it further enacted, That should the officer,
appoint offi- appointed to attend, fail to do so, the managers shall have
cer, in certain the power to appoint one to act in his stead.
cases. (Approved Jan. 9, 1826.)

AN ACT making provision for the accommodation of the next General
Assembly.

Section 1. Be it enacted by the Senate and House of Represen-
tatives of the state of Alabama in general assembly convened,
That the governor be, and he is hereby authorized and re-
Governor au- requested to provide, otherwise than by purchase, suitable
thorized to and necessary rooms in the town of Tuscaloosa, in which to
hold the next session of the General Assembly, and also
providerooms such furniture as he may thing fit and convenient for the
in Tuscaloosa aforesaid rooms: Provided, nothing in this act shall be con-
strued so as to authorise an expenditure of public money
for the purpose of procuring the rooms herein required.

Next legisla- Sec. 2 And be it further enacted, That it shall be the du-
ture to meet ty of the members of the next Legislature, to assemble at
at Tuscaloosa the aforesaid town of Tuscaloosa, at the time fixed by law
for the meeting of the General Assembly.

Sec. 3. Be it further enacted, that the session of the
General Assembly, shall be holden in the rooms selected
as aforesaid, until otherwise provided for by law.

Sec. 4. And be it further enacted, That the governor be,
and he is hereby authorized and empowered to select and
appoint necessary agents to enable him to effect the require-
ments of the first section of this act.

Sec. 5. Be it further enacted, That this act shall com-
mence, and be in force, from and after the passage thereof.
(Approved, January 11, 1826.)

AN ACT to provide for the payment of the expenses incurred in the re-
ception of General La Fayette.

Section 1. Be it enacted by the Senate and House of Reresen-
tatives of the state of Alabama in general assembly convened,
That the sum of four thousand dollars be appropriated,
subject to the order of his excellency, the governor, to be
applied to the payment of the balance due to the respective
claimants, for expenses incurred in the reception and enter-
tainment of General La Fayette, pursuant to the provisions
contained in the resolution of the last session of the Gene-
ral Assembly.

(Approved, Jan. 14, 1826.)

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AN ACT declaring Big-loss creek a public highway.

Sec. 1. Be it enacted by the Senate and House of Representa-
tives of the state of Alabama, in general assembly convened,
That Big lost creek, be and the same is hereby declared to
Be a public highway, for its confluence with Tuscaloosa
river up to Gutery's mill, in Fayette county.

(Approved January 12, 1826.)

AN ACT making appropriations for the year eighteen hundred and twenty-six

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That the following sums of money be, and they are hereby, appropriated to defray the expenses of the civil list and other necessary charges of government, namely :

For the payment of the members of the general assembly, at the present session, twenty-five thousand dollars, for the payment of the annual salary of the governor of this state, two thousand dollars; for the payment of the annual salaries of the judges of the circuit courts, seventeen hundred and fifty dollars each, making ten thousand five hundred dollars; for the payment of the annual salary of the secretary of state, comptroller, and treasurer, one thousand dollars each, making three thousand dollars; for the payment of the annual salary of the attorney general, three hundred dollars; for the payment of the annual salary of the solicitor of the first judicial circuit, three hundred and fifty dollars; for the payment of the solicitors of the second, fourth, fifth and sixth judicial circuits, two hundred and fifty dollars each, making one thousand ; for the payment of the abjutant general; one hundred dollars; for the payment of the secretary of the senate and clerk of the house of representatives, each, seven dollars per day; for the payment of the assistant clerks of the senate and of the house of representatives, each, five dollars per day; for the payment of the door keepers of the senate and of the house of representatives, each, four dollars per day: to be paid out of any money in the treasury not otherwise appropriated.

Sec. 2. And be it further enacted, That the sum of one hundred dollars be, and the same is hereby, appropriated and set apart as a contingent fund, subject to the governor's draft.

Sec. 3. And be it further enacted, That the sum of one hundred dollars be allowed the secretary of the senate, in full for his services, in completing the journal and arranging the papers of the senate.

Sec. 4. And be it further enacted, That the sum of one hundred dollars be allowed the clerk of the house of representatives in full, for his services in completing the journals and arranging the papers of the house of representatives.

Sec. 5. And be it further enacted, That the sum of two hundred and seventy-five dollars be appropriated, as compensation, to the secretary of state, for copying and making an index to the laws; for copying the journals of each house of the general assembly, for the present session; preparing the whole for the press, and superintending the printing of the same.

Sec. 6. And be it further enacted, That the sum of two hundred and fifty dollars be allowed the comptroller of public accounts for clerk hire, for the present year.

Sec. 7. And be it further enacted, That the sum of two

Members of
General As-
sembly.

Governor.
Judges of ci-
cuit courts.
Secretary
State, Comp-
troller, and
Treasurer.
Attorney Ge-
neral.

Solicitors of
2d, 4th, 5th,
& 6th circuits
Adjutant Ge-
neral.

Secr'y. of Se-
nate & Clerk
of the House.
Assistant
clerks of Sen-
ate & House.
Door keepers
of Senate and
House.

Contingent
Fund.

Secretary of
Senate.

Clerk of the

Secretary of
State.

Comptroller.

thousand dollars be, and the same is hereby, appropriated
State printer. for the payment of state printer.

SEC. 8. And be it further enacted, That the sum of seven hundred dollars be, and the same is hereby, appropriated for the payment of the returning officers of the several counties in this state, for making returns and comparing the votes, taken in their respective counties, for members of Congress, at the late election: Provided, so much should be necessary; to be paid out of any money in the treasury, and otherwise appropriated. [Approved, January 14, 1826.)

AN ACT to change the name of, and legitimate certain persons therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, J. and T.W. Phelps. That from and after the passage of this act, John Phelps and Thomas W. Phelps the natural children of John Booth, be and they are hereby legitimated.

Names changed to J.P. & T.W. Booth. Sec. 2. And be it further enacted, That the name of said John Phelps, be changed to that of John P. Booth; and the name of said Thomas W. Phelps, be changed to that of Thomas W. Booth.

W.L. Devinny and J.H. Miller chngs ed to W.L. & J.H. Yarborough that Legitimated. Sec. 3. And be it further enacted, That the names of Wm. L. Devinny and Jincy H. Miller, natural children of Wm. L. Yarborough, be changed, and that the said William L. Devinney, be hereafter known and called by the name of Wm. L. Yarborough, and the said Jincy H. Miller, be hereafter known and called by the name of Jincy H. Yarborough, and said children be legitimated, and that they be entitled to all the rights and privileges, and subject to all the duties of legitimate children of the said William L. Yarborough.

Name of J. Burns changed to J. Moody. Sec. 4. And be it further enacted, That the name of James Burns of Montgomery count, be changed to that of James Moody, and the same James Burns shall hereafter be known and called by the name of James Moody.

Legitimated. Sec. 5. And be it further enacted, That the said James Moody the natural offspring of William Moody, be, and he is hereby legitimated.

Name of D. Tuppence changed to D. Richardson. Sec. 6. And be it further enacted, That the name of David Tuppence, a free man of color, be changed to that of David Richardson, and that the said David Tuppence, shall hereafter be known and called by the name of David Richardson. [Approved, January 10, 1826.]

AN ACT allowing to Jarret Brandon a certain sum of money, for expenses incurred in apprehending Wm. Walker charged with negro stealing.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That the sum of thirty-five dollars and fifty cents be and the same is hereby appropriated for the payment of Jarrett Brandon, a constable of Franklin county, for apprehending, and expenses incurred in carrying to justice one Wm. Walker, charged with negro stealing to be paid out of any money in the treasury, not otherwise appropriated.

(Approved, Jan 14, 1826.)

AN ACT for the relief of the inhabitants of the first township, range Seven, east of the basis meridian of Huntsville.

Whereas, it has been represented to this General Assembly, that the sixteenth section in township one, range seven, east of the basis meridian of Huntsville, was granted to one Peter Johnston as the head of an Indian family, by a treaty between the United States and the Cherokee nation Indians on the 29th of February, 1819, Therefore,

Preamble.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That it shall be the duty of the county court of Jackson county to appoint three commissioners residing in the above township and range, to select an entire section of land in said township, in lieu of the section No. sixteen, granted to Peter Johnston by the treaty aforesaid, and report the number so selected to the judge of the county court, whose duty it shall be to apply to the secretary of the treasury for the location of such section, in pursuance of the sixth section of an act of Congress, passed the 21st day of April, 1806, entitled an act in addition to an act, entitled an act, regulating the grants of land and providing for the disposal of lands of the U. States, south of the state of Tennessee. (Approved, January 9, 1826.)

Duty of the
county court
of Jackson
county.

AN ACT to amend an act entitled an act to appoint Commissioners to lay out two roads, leading from the ford of Line creek, the one to Coffeeville, the other to Tuscaloosa, passed the 31st of December, 1822.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John Weir, John Gaston, Stephen Anderson, John Spinks and Peter Black, be, and they are hereby, appointed commissioners in lieu of John Bishop, John Kelly, Jonathan Anderson, Marin Prewett, Joseph Mott and William Murrell, to view and mark a way for a road, to run the nearest and best way the county will admit of, from Coffeeville, until it intersects the road from the town of Cahawba, to the county line west of Cahawba.

Commission-
ers appointed.

Sec. 2. And be it further enacted, That the said commissioners shall be subject to the same rules and regulations, and shall be allowed the same compensation, as is prescribed by the act to which this is an amendment.

How govern-

Sec. 3. Be it further enacted, That if the commissioners, appointed by the second section of the act to which this act is supplemented, shall fail or neglect to perform the duties to them, by the aforesaid act, assigned, or should not perform the same, prior to the first Monday in May next, then, and in that case, the courts of commissioners of revenue and roads, through whose counties the said road is intended to pass, shall each appoint one commissioner for the aforesaid purposes, who, or a majority of whom shall perform the same duties, and make such reports as may, by the act to which this is an amendment, be contemplated.

Courts of
commission-
ers of reve-
nue & roads
to appoint
commission-

Sec. 4. And be it further enacted, that if the commissioners, appointed by the act entitled an act to establish a road from the town of Montevallo to the town of Greensborough

and for other purposes, passed, December twenty-fourth, eighteen hundred and twenty-four, shall fail or refuse to act, in pursuance of said recited act, by or before the third Monday in August next, then, and in that event, it shall be lawful for the judge of the county court and commissioners of roads and revenue, in the county where such commissioners or commissioners may reside, so failing or refusing to act, to fill such vacancy.

(Approved, January 13, 1826.)

AN ACT to establish and improve a certain road therein mentioned.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the road commonly called the federal road from the line of Butler county to the Escambia bridge, be, and the same is hereby established a public road.

Sec. 2. Be it further enacted, That it shall be the duty of the county court of Monroe county to divide the said road into as many precincts as may be deemed necessary, and appoint overseers of the same; and all persons liable to work on public roads, living within five miles of said road, in the county aforesaid, shall be liable to work on said road,

and the commissioners of apportionment for the county aforesaid, shall apportion hands to the several overseers appointed on said road by the county court of said county.

Sec. 3. Be it further enacted, That it shall be the duty of the county court of Conecuh county, to divide the same road into as many precincts as may be deemed necessary, and appoint overseers of the same; and all persons liable to work on public roads, living within five miles of said road in the county of Conecuh, aforesaid, shall be liable to work on said road, and the commissioners of apportionment of the county last aforesaid, shall apportion hands to the several overseers appointed to said road by the county court of Conecuh county aforesaid.

Sec. 4. Be it further enacted, That the overseers appointed by the authority of this act, shall for any neglect of duty be subject to prosecution and fine in their respective counties, as other overseers of public roads, and in like manner any person appointed to work on said road, for failing or refusing to discharge his or her duty, shall be fined as others are for like causes on other roads.

(Approved, January 13, 1826.)

AN ACT to establish a permanent Seat of Justice in the county of Walker, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That an election shall be holden at the several election precincts in the county of Walker, on the first Monday in March next, for the purpose of electing five commissioners, who, a majority of them, shall have power to fix on a suitable place for the temporary seat of justice in said county, at which election, all free white male inhabitants, above the

age of twenty one years, who shall have resided in said county thirty days next preceding said election, shall be entitled to vote, and said election shall be opened at the hour of ten o'clock, and close at four of the same day, by the sheriff or other proper officer, under the inspection of judges appointed in the same manner required by law for the election of representatives.

Who entitled
to vote.

Sec. 2. And be it further enacted, That before the commissioners enter upon the duties assigned them by the first section of this act, they shall severally take and subscribe the following oath, before some justice of the peace for said county. I , do solemnly swear, that I will select, and fix on the site for the temporary seat of justice for the county of Walker, according to the best of my judgement and without partiality to man or place, or any other consideration whatsoever, other than the common good and equal rights and interests of the citizens of said county, so help me God.

Commission-
ers to take
oath.

Sec. 3. Be it further enacted, That th said commissioners so elected and qualified, so soon as they or a majority of them shall have performed the duties in this act assigned them, make a report in writing of all their proceedings under this act to the clerk of said county court. The clerk of said court shall make a record of said proceedings, and the site so fixed on shall thenceforward be the seat of justice for said county until altered by law.

Commission-
ers to report
to the clerk
of the county
court.

Duty of clerk.

Sec. 4. Be it further enacted, That in the event of the commissioners aforesaid, selecting a place for the temporary seat of justice, for said county of Walker, where there are no accommodations for the courts thereof, the judge of the county court and commissioners of revenue and roads of said county, are hereby authorized to make such arrangements as will supply such deficiency.

Sec. 5. And be it further enacted, That this act shall be in force from and after the passage thereof.

(Approved, January 4, 1826.)

AN ACT to amend an act entitled an act to establish a certain road therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That so much of the second section of an act entitled an act to establish a certain road therein named, approved Dec. 24th, 1824, as requires the stumps in said road to be dug up or levelled with the ground; also the seventh section of said act be repealed, and that it shall be sufficient to cut the stumps in said road so as to be conformable to the requisitions of the general law of the state of Alabama.

Repeal.

Sec. 2. And be it further enacted, That it shall not be lawful for Wyatt Cheatham and his associates to charge the citizens of Lawrence, Tuscaloosa & Walker counties, toll for travelling the said road, within their respective counties.

W. Cheatham
not to charge
the citizens
of certain
counties toll.

(Approved, January 9, 1826.)

AN ACT to authorize Wm. H. Ragsdale, and his associates to turnpike a road therein specified.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened,

W. H. Ragsdale and asso- That Wm. H. Ragsdale and his associated, be and they are
 ciated author- hereby authorized to open and turnpike a road commencing
 ezed to open at or near the point where the military road strikes the
 a turnpike. mountain south of Cedar creek, in Franklin county, thence

the nearest and best way to the top of the hill south of said Ragsdale's, near the fifty-six mile post, on the military road;

Width of road, &c. that said road shall be opened twenty feet wide, twelve feet
 of which, in a straight general direction, shall be cleared of
 stumps and trees, cut down within four inches of the ground
 and all grubs and roots remove, the sloping ground and bands
 of creeks to be so cut down and levelled as to be safe and
 easy for the passage of horsemen, carriages, &c. all marshes,
 swamps and creeks to be causewayed or bridged with dit-
 ches on each side of causeways where necessary.

Sec. 2. And be it further enacted, That Francis Bullock,
 Claiborne Williams and Benjamin Harris of Franklin coun-
 ty and Wm. Clark, John D. Terrell, and Wm. Williams of
 Marion county be and they are hereby appointed commis-
 sioners to view and examine the condition of said road, three
 times in each year if they should deem it necessary, and re-
 port the condition of that part of said road respectively,
 which lies within their respective counties, to the county
 court thereof: and so soon as said Ragsdale and his asso-
 ciated shall have put said road in such repair as they shall
 think complies with the requisitions of this act, they are
 hereby authorized to call on said commissioners, whose du-
 ty it shall be to view the situation of said road, or so much
 thereof as may be within their respective counties, and re-
 port the same to their county courts, and if said commis-
 sioners should recommend the erection of a gate, the judge
 of the county court shall cause an order to be made authorizing the same, and the
 clerk of said county courts respectively, shall on demand,
 deliver to said Ragsdale and associates a copy of said order
 which shall be authority to them to erect a gate on said road
 and receive the following toll for passing the same, to wit:
 For each wagon and team, loaded, one dollar: for each emp-
 ty wagon, seventy-five cents; for each cart, fifty cents; for
 each pleasure four wheeled carriage, one dollar; for each emp-
 two-wheeled pleasure carriage, fifty cents, for each carry-
 all or dearborn, fifty cents; for a man and horse, twelve-
 and one-half cents; for each led horse, six and one-fourth
 cents; for each head of cattle, four cents; for each head of
 hogs, sheep or goats, one cent; Provided that nothing in
 this act shall authorize said Ragsdale and associates to de-
 mand toll of the carriers of the United States mail, or from
 persons bearing express to or from officers or troops of the
 United State or any of the states, or of persons travelling
 on foot.

Sec. 3. And be it further enacted, That whenever it shall

become necessary for said road to touch on, or run with the military road, it shall become a part thereof, and in every instance the goodness of the ground and the most convenient and cheapest accommodation for travellers, and the safe and easy passage of the United States grand souther mail, shall govern the passage and direction of said road, which road when completed shall, and is hereby declared to be a permanent public highway.

Sec. 4. And be it further enacted, That whenever the judge of the county court of Franklin or Marion county shall be informed in direct terms by any one of said commissioners, or by any other person on oath, subscribed by the party giving such information, that said road or any part thereof within their county is out of repair, such judge shall forthwith notify said Ragsdale and associates, or their agent of that fact, and require of him, without delay, to repair the same; and on his failing so to do within a reasonable time, such judge shall order a review of said road by the commissioners of the county in which such alleged breach may have occurred, and should the commissioners find such breach actually to exist, they shall open the gate and report accordingly to the judge of the court of their county, who shall receive three dollars each per day while engaged in such service, to be paid by the said Ragsdale and associates on the production of the order of said judge to be made to that effect; and should the said William and associated, by themselves, or agent, receive any toll before the road shall have been repaired and received by the court or judge thereof as directed by the fourth section of this act, they shall forfeit and pay five dollars for every such offence, to any person who will sue for the same; Provided, that on complaint made by any person other than one of said commissioners, the report of said commissioners shall be that said road was in repair, said judge shall, on the return of said report, give judgment in favor of said commissioners against such informant for the amount of the commissioners' fees for making such review, and issue a proper process for the collection of the same.

Sec. 5. And be it further enacted, That said road shall be put in repair, as required by this act, within two years from the first day of January, eighteen hundred and twenty-six, otherwise all the rights and privileges granted by this act shall be forfeited; and should said Ragsdale and associates for six months at any one time refuse to repair said road after the gate shall have been opened by said commissioners under the direction of the court in pursuance of the provisions of this act, all the rights and privileges herein to them granted shall be forfeited.

Sec. 6. And be it further enacted, That the said William H. Ragsdale and his associates shall, within six months after the passage of this act, present to the judge and road commissioners for the county of Marion, their article of

Militar road
may form a
part of it.

When finish-
ed, declared
a public high-
way.

Penalty for
keeping the
road out of
repair.

Penalty for
receiving
toll when out
of repair.

When to be
completed.

agreement and association, which shall be duly recorded by the clerk of said court; and the said Ragsdale and his associates, at the same time, shall give bond in such amount and security as shall be satisfactory to the said judges and commissioners, for the performance of their undertaking according to this act, within three years from its passage:

and it is furthermore specifically provided, that should the Congress of the United States select this route for the national turnpike, and make said Ragsdale and associates a suitable compensation for the labor done under this act, the charter hereby granted shall cease and be of no effect.

Sec. 7. And be it further enacted, That the said Wm. H. Ragsdale and his associates shall be entitled to all the privileges and immunities hereby granted, for and during the term of twenty years, from and after the passage of this act.

(Approved January 14, 1826.)

AN ACT to emancipate certain Slaves therein mentioned.

Whereas, it is represented to the General Assembly by the memorial of a large number of respectable inhabitants of the city of Mobile, that sundry persons of colour, descendants of the ancient creole population of that place, who have petitioned to be emancipated, are honest, industrious, and well disposed people; and that their being emancipated would not be productive of injury to society, but would essentially contribute to the welfare of the individuals themselves.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the mulatto woman named Sophia, commonly called

Sophia Tucker, the slave of Registe Bernody, of the city of Mobile, be, and she is hereby emancipated, and forever

freed from slavery and bondage; saving however the rights of creditors; and on the express condition that the said Registe Bernody enter into bond with security, in the penal sum of one thousand dollars, to be approved by the judge of the county court of Mobile county, made payable to the governor for the time being, and his successors in office, to be filed in the office of the clerk of said county court, conditioned that the said mulatto woman, Sophia, shall not become a public charge to the state, or to any county, city, or town thereof.

Sec. 2. And be it further enacted, That the coloured woman named Catiche, the slave of Harriet Baudin, otherwise called Nannette, of the city of Mobile, be, and she is hereby

emancipated, and forever freed from slavery and bondage; saving however the rights of creditors, and on the express condition, that the said Harriet Baudin, otherwise called Nannette, enter into bond with security, in the penal sum of one thousand dollars, to be approved by the judge of the county court of Mobile, made payable to the governor for the time being and his successors in office, to be filed in the office of the clerk of said county court, conditioned that the said coloured woman, Catiche, shall city, or town thereof.

Sec. 3. And be it further enacted, That the coloured girl named Seremise, the slave of Silvan Nicholas, of the city of Mobile, be, and she is hereby emancipated, and forever freed from slavery and bondage, saving however the rights of creditors, and on the express condition that the said Silvan Nicholas, enter into bond with security, in the penal sum of one thousand dollars, to be approved by the judge of the county court, of Mobile county, made payable to the governor for the time being, and his successors in office, to be filed in the office of the clerk of said county court, conditioned that the said coloured girl Seremise, shall never become a public charge to the state, or to any county, city, or town thereof. (Approved, January 3, 1826.)

Seremise
emancipated.

Proviso.

AN ACT authorizing Jacob Johnson to emancipate a certain slave therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That Jacob Johnson, of the county of Madison be, and he is hereby authorized to emancipate a certain man slave named John Taylor, so soon as the said Jacob Johnson shall have executed his bond to the judge of the county court of Madison county and his successors in office, with sufficient security, to be approved by the said judge, conditioned that the said John Taylor shall never become a charge to the state of Alabama, or any county or town therein.

John Taylor
emancipated.

Proviso

Sec. 2. Be it further enacted, That this act shall be in force from and after the passage thereof.

[Approved, December 12, 1825.]

AN ACT for the emancipation of a negro man, (slave) named Peter.

SECTION 1. Be it enacted by the Senate and House of Representatives, of the State of Alabama, in general assembly convened, That Peter, a slave of Sarah Malone, be, and he is hereby, emancipated and set free from slavery, saving, however, the rights of creditors, and on the express condition, that Sarah Malone enter into bond with security, in the penal sum of one thousand dollars, to be approved by the judge of the county court of Franklin, and to be filed in the office of the secretary of state, and made payable to the governor for the time being and his successors in office, conditioned that the said negro man, Peter, hereby emancipated and set free, shall never become a charge to any county within this state. (Approved, January 7, 1826.)

AN ACT to authorize William R. Parker to emancipate a certain slave therein named.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That William R. Parker, be, and he is hereby, authorized to emancipate a certain negro, slave, named Tracey, so soon as the said William R. Parker shall execute to the judge of the county court of Clarke, and his successors in office, a bond with sufficient security, to be approved by the

said judge, conditioned, that the said Tracey shall never become a charge to the state of Alabama, or any county, city, or town therein: provided, also, that nothing contained in this act shall be so construed as to interfere with the rights of creditors. (Approved, January 9, 1826.)

AN ACT to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened,

Comission- That John D. Carrell, John Maples, Robert Beaty, Robert
ers appointed. C. Davis and Joseph Bell, or a majority of them, be and they
are hereby appointed commissioners to view and park out
a road the nearest and best way from the town of Florence,
in the county of Lauderdale, to the town of Athens, in the
county of Limestone, doing as little injury to private prop-
erty as may be practicable to make a direct and good road

Width of road twenty-five feet wide.

Commission- Sec. 2. Be it further enacted, That so soon as said com-
ers to make missioners shall have viewed and marked said road, they
report to the shall make a report of their proceedings to the next terms
county court thereafter of their respective county courts of commission-
and of comm'rs of ers of roads and revenue of the counties of Limestone and
rev. and roads Lauderdale, with a separate account for their services and
expences incurred in each county, and on oath being made
of the justness of said accounts, it shall be the duty of the

Compensa- said county courts, respectively, to allow the same, and or-
tion. Der them to be paid by the county treasury of each county,
respectively, out of any county funds not otherwise appro-
priated: And should there be no fund in the county treasu-
ry, out of which the same can be paid, then it shall be the du-
ty of each county court to lay a county tax, the next period
of assessing after the return of said commissioners as afore-
said, not exceeding one-third of the state tax, which shall
be collected and appropriated in defraying said charges of
said commissioners.

County courts Sec. 3. Be it further enacted, That it shall be the duty of
to appoint o- said county courts respectively, at the first term of their
verseers. commissioners' court of roads and revenue, after the return
of said report, to appoint overseers on said road, and direct
hands to be apportioned in the manner now pointed out by
law, and it shall be the duty of such overseers to cut out
Duty of o- and keep the same in repair, as other public highways are
verseers. required to be kept in repair in this state, and of the width
pointed out by the first section of this act.

Road to be Sec. 4. And be it further enacted, That after said road shall
permanent. be viewed and marked out agreeably to the preceding sec-
tions of this act, it shall not be lawful for the commission-
ers courts of either of said counties to alter, change or annul
said road, or any part thereof, but the same shall be perma-
nent; nor shall said courts or either of them establish or re-
Who liable quire hands to work on any public road leading from said
to work on town of Athens to said town of Florence, within five miles
road.

of said road: Provided, that should any individual sustain damage by the opening of said road, the same shall be assessed under the provisions of the general road law.

(Approved, January 13, 1826.)

AN ACT for the relief of Thomas Hearne.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general Assembly convened, That the Comptroller of public accounts be, and he is hereby authorized and directed to issue his warrant on the state Treasurer, in favor of Thomas Hearne, of Montgomery county for the sum of two hundred and fifty dollars, to be paid out of the fund created by the third section of an act, entitled an act to provide for the payment of slaves executed in pursuance of law, passed Dec. 24th, 1824, it being for one half the value of a negro man (slave) named Moses the property of the said Hearne, executed in pursuance of, of the judgment of the circuit court of the said county, rendered at March term 1823. (Approved, Jan. 1826.)

AN ACT for the relief of Lewis Houser.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the comptroller of public account, be, and he is hereby, authorized and directed to issue his warrant on the state treasurer, in favor of Lewis Houser, of Autauga county, for the sum of three hundred dollars, to be paid out of the fund created by the third section of an act, entitled an act to provide for the payment of slaves, executed in pursuance of law, passed, December 24, 1824, it being for one half of the value of a negro man, (slave) named Robin, the property of the said Lewis Houser, executed in pursuance of the judgment of the circuit court, of the said count of Autauga, rendered at November term 1824.

(Approved, January 11, 1826.)

AN ACT for the relief of Hiram Shortridge.

Sec. 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That Hiram Shortridge be permitted to practice law in the several courts of law and qoutiy in this state.

Sec. 2. Be it further enacted, That before the said Hiran Shortridge shall have and enjoy the rights and privileges of an attorney and solicitor, he shall take the oath, in manner and form, prescribed by the first section of an act entitled an act supplementary to an act entitled an act ot suppress duelling, passed, December the sixth, eighteen hundred and twenty-one: Provided, however, That, instead of the words "first day of January, eighteen hundred and twenty-one," contained in the first section of said act, the words "the first day of January, eighteen hundred and twenty-five" shall be adopted, whenever the oath, contained in said section, may be taken by said Hiram Shortridge.

Sec. 3. Be it further enacted, That this act shall be in force from its passage. (Approved, Dec. 20, 1825.)

AN ACT for the relief of Henry Fountain.

Whereas, John Bell, deceased, late of the county of Conecuh, did in his life time, sell to the said Henry Fountain a certain tract of land, hereinafter designated, and departed this life before the execution of titles; and, whereas, the said Henry Fountain entered upon the said land, by virtue of the said agreement, in the life time, and by the consent, of the said John Bell; and, whereas, the said Henry Fountain and the Administrators of the estate of the said John Bell are desirous to perfect the said agreement by the execution of a deed of conveyance for the said land: therefore,

Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the administrators of the estate of John Bell, deceased, late of the count of Conecuh, be, and they are hereby, authorized to make full, complete and perfect titles for the real estate. east half of the north west quarter of section number two, in township number four, in range number twelve, to Henry Fountain, his heirs and assigns: Provided, however, That the sum of two hundred dollars be previously paid by the said Henry Fountain to the said administrators, in pursuance of the terms of the agreement entered into between the said John Bell, in his life time, and the said Henry Fountain. (Approved, Jan. 6, 1826.)

AN ACT for the relief of William M'Donald.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That from and after the passage of this act, it shall and may be lawful for William M'Donald, to grind wheat at his mill on each Tuesday and Friday in every week, to the exclusion of other grain from the fifteenth of May, until the fifteenth of October, in each and every year: Provided, that he be bound to observe the existing laws on all other days.

Sec. 2. And be it further enacted, That all acts or parts of acts contrary to the intent and meaning of this act so far as they have any relation to the said William, be, and the same are hereby repealed.

Sec. 3. And be it further enacted, That from and after the passage of this act, it shall be lawful for the proprietor of the Jefferson grist mill, in Jefferson county, to grind wheat on Tuesday and Friday, in every week, to the exclusion of other grain, until the fifteenth of October next. [Approved, January 3, 1826.]

AN ACT for the relief of James Frazier, late Tax Collector of Franklin County.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That James Frazier be, and he is hereby, released and discharged from the payment of two hundred and eighty-four dollars and fifty-three cents, part of a sum charged by the comptroller of this state against the said James Frazier, as a defaulting tax collector for the year eighteen hundred and twenty-one; and the comptroller is hereby re-

quired to credit the said James Frazier with said sum

Sec. 2. And be it further enacted, That the tax collector of Franklin county, for the year eighteen hundred and twenty-six be and he is hereby, authorized and required to collect one hundred and fifty dollars, sixteen and a half cents, the amount of a supplemental assessment of the taxes of said county for the year eighteen hundred and twenty-one; which assessment was make out by the clerk of the county court of said county, and forwarded to the comptroller, but was not put in the possession of the collector, for that year, until after his time had expired. (Approved, Jan. 11, 1826.)

Duty of the
tax-collector.

AN ACT for the relief of the Tax Collector of Lawrence County.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the tax collectors of Lawrence and Walker counties for the year eighteen hundred and twenty-five, be, and they are hereby, allowed until the first day of April, eighteen hundred and twenty-six, to complete the collection of the taxes of said counties severally, for the year eighteen hundred and twenty-five, if any remain yet due and unpaid.

Further
time granted
to the tax col-
lectors of
Lawrence &
Walker coun-
ties.

Sec. 2 And be it further enacted, That the said tax collectors be allowed three months, from and after the passage of this act, to make a full and complete settlement with the comptroller of public accounts, and with the county treasurers of Lawrence and Walker counties.

(Approved, January 13, 1826.)

AN ACT for the relief of John H. Campbell.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, that the payment of a judgment obtained by the comptroller of public accounts against John H. Campbell, in Tuscaloosa circuit court, shall be suspended until the first day of jan. 1827: provided, the said John H. Campbell shall execute a deed of trust on good and substantial property by way of security, and of ample and sufficient amount, to be approved by the solicitor of the third judicial circuit, well and truly to pay said judgment, and interest and costs, on or before the said first day of January, 1827: and provided also, the said Campbell shall give good personal security for the delivery of the property deeded as aforesaid, on failure to pay said judgment on or before the said first day January 1827, to be approved likewise by said solicitor.

Judgment a-
gainst John H.
Campbel sus-
pended for a
certain time.

Proviso.

Sec. 2. And be it further enacted, That the relief hereby granted, shall in no wise impair or effect the judgment; but on failure to comply with the conditions of this act, execution may issue thereto, and the same shall remain as if this act had never passed.

Judgments
not impaired.

Sec. 3. And be it further enacted, That the above named deed of trust and personal security, shall be executed to the comptroller of public accounts, for the benefit of this state. (Approved, January 14, 1826.)

Deed of trust
to be execut-
ed to Comp-
troller.

AN ACT for the relief of Leasa Lewis.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That it shall not be lawful after the passage of this act for any person or persons in any manner whatsoever, to take or cause to be levied on any property belonging to Leasa Lewis, of Bibb county to satisfy any debt or debts which may have been or may thereafter be contracted by her husband Mordecai Lewis; provided nevertheless, that this act shall not be so construed as to exempt the property which the said Mordecai Lewis left with the said Leasa Lewis at the time of their separation from the payment of such debts as he had contracted before their separation, provided that the provisions of this act shall not be so construed as to exempt any property now in the possession of said Leasa Lewis, from the payment of said Mordecai Lewis' debts. (Approved, Janaary 4, 1826.)

AN ACT for the relief of William Holbrooks.

Whereas, it appears from the petition of William Holbrooks, and the certificate of the comptroller of public accounts, presented to the (then) General Assembly, that the said William Holbrooks is in justice entitled to one hundred and fourteen dollars more of the appropriation made for the payment of his claims, as jailer of Autauga county, for which he has not been able to obtain the vouchers required by law, therefore

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened, That the comptroller of public accounts, be, and he is hereby, instructed to audit and allow, to the said William Holbrooks, one hundred and fourteen dollars more of the sum heretofore appropriated for the payment of said Holbrook's claims: provided, the said Wm. Holbrooks shall produce to him satisfactory evidence of his having furnished provisions to that amount to certain prisoners, who made their escape from Autauga jail before tria, and for which provisions said Holbrooks has not been paid.

(Approved, January 12, 1826.)

AN ACT for the relief of David Tate and others.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That David Tate, and his wife, and the children of either of them, Jack Weatherford, David Munac, jr. Benjamin James and Jesse Brashears, be, and they are hereby, made competent witnesses in any court of record in this state, and before any person authorized to administer an oath, in all cases, except those in which they are rendered incompetent by some known rule of evidence. (Approved, January 12, 1826.)

AN ACT to divorce William Gates from Susannah Gates.

SECTION 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That, in conformity with the decision and decree of the circuit court of Franklin county, exercising chancery jurisdiction, pronounced and entered at the April term of said court, eighteen hundred and twenty-four, the bonds of matrimony, heretofore solemnized and subsisting between William Gates and Susannah Gates, his wife, be and the same are hereby, annulled and made void; and that the said William Gates be henceforth divorced from the said Susannah Gates; and that the said W. Gates be restored to all the rights and privileges of an unmarried man. (Approved, Jan. 12, 1826.)

AN ACT to divorce William Roundtree from Sally Roundtree, his wife.

Section 1. Be it enacted by the Senate and House of Representatives of the

State of Alabama in general assembly convened, That, in conformity with the decision and decree of the circuit court of Madison county, exercising chancery Jurisdiction, pronounced and entered at April term, eighteen hundred and twenty-four, the bonds of matrimony, heretofore solemnized and subsisting between William Roundree and his wife, Sally Roundtree, be, and the same are hereby, annulled and made void; and that the said William Roundree be henceforth divorced from the said Sally Roundree. (Approved, Jan. 12, 1826.)

AN ACT to divorce Sarah Wall from James Wall.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That, in conformity with the decision and decree of the circuit court of Greene county, exercising chancery jurisdiction, the bonds of matrimony, heretofore solemnized and subsisting between Sarah Wall and James Wall, be, and the same are hereby, annulled and made void; and that the said Sarah wall be henceforth divorced from the said James Wall. (Approved, Jan. 12, 1826.)

AN ACT to divorce Louisa M. Trouillet from her husband Pierre L. Trouiller.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That, in conformity with the decree of the circuit court of Mobile county, exercising chancery jurisdiction, pronounced and entered at January ter, eighteen hundred and twenty-five, the bonds of matrimony, heretofore solemnized and subsisting between Louisa M. Trouillet and her husband, Pierre L. Trouillet, be, and the same are hereby, annulled and made void; and that the said Louisa M. Trouillet be henceforth totally divorced from the said Pierre Trouillet. (Approved, Jan. 12, 1826.)

AN ACT to divorce Samuel Payne for his wife Elizabeth Payne.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That in conformity with the decision and decree of the circuit court of Butler county, exercising chancery jurisdiction, pronounced at September term 1823, the bonds of matrimony heretofore solemnized and subsisting between Samuel Payne and his wife Elizabeth payne, be & the same are hereby annulled and mad void, and that the said Samuel Payne be henceforth divorced from the said Elizabeth Payne. [Approved, January 12, 1826.]

AN ACT divorcing certain persons therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama in general assembly convened, That in conformity with the decison and decree of the circuit court of Madison county, exercising chancery jurisdiction, pronounced & entered, at May term, 1825, the bonds of matrimony heretofore solemnized and subsisting between Naomi Pond and Stephen Pond, her husband, be and the same are herebv annulled and made void, and that the said Nomi Pond be henceforth divorced from the said Stephen Pond. (Approved, January 12, 1826.)

AN ACT to divorce Nancy Gillaspie from Andre S. Gillaspie.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That in conformity with the decision and decree of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, pronounced and entered at September term, 1824, the bonds of matrimony heretofore solemnized and subsisting between Nancy Gillaspie and Andrew S. Gillaspie, be and the same are hereby annulled and made void; and that the said Nancy Gillaspie be henceforth divorced from the said Andrew S. Gillaspie.

AN ACT to divorce Deborah Dixon from her husband Samuel Dixon.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That in conformity with the

decision and decree of the circuit court of Madison county, exercising chancery jurisdiction, pronounced and entered at the May term of said court in the year 1825, the bonds of matrimony heretofore solemnized and subsisting between Deborah Dixon and Samuel Dixon, be and the same are hereby annulled and made void, and that the said Deborah Dixon be henceforth divorced from the said Samuel Dixon. (Approved, January 12, 1826.)

RESOLUTIONS instructing our Senators and requesting our Representatives in Congress, to use their best efforts to procure for this state the immediate right to the lands acquired by the recent treaty at the Indian Springs, &c.

The select committee to whom was referred His Excellency's communication, concerning the interest which this state has in the lands acquired by the recent treaty with the Creek Indians at the Indian Springs; and concerning the provision that ought to be made for, and the disposition that ought to be made of, the Indians residing thereon, beg leave to report, That they fully accord in the views of his excellency, as expressed in the enlightened and humane communication aforesaid; believing, as this committee does, that a due and proper attention to our interest in relation to that subject, is not inconsistent with a humane and liberal policy towards the native Indians; and that they recommend to Congress and adoption of such measures in providing for said Indians, not adverse to the interest of this state, as may conduce to their comfort, and their moral and social condition. In relation to the other object referred to in said communication, the committee recommend the adoption of the following resolution:

Resolved, be the Senate and House of Representatives of the state of Alabama, in general assembly convened, That our Senators in Congress be instructed and our Representatives requested to use their best effort to procure for this state the immediate right to that part of the land acquired by said treaty, lying within the chartered limits of this state.

2. Resolved further, That His Excellency be requested to transmit to our Senators and Representatives in Congress one copy of the Executive communication and the foregoing resolutions.

(Approved, Jan. 14, 1826.)

RESOLUTIONS instructing our Senators and requesting our Representatives in Congress to use their best endeavors to procure the passage of a law to reduce the price of the public lands.

The legislature of the state of Alabama, would respectfully represent to the Congress of the United States, that the present mode of selling the public land to the highest bidder, though free from most of the objections attending the former system, is liable to some abusers in practice, that it would be very desirable to correct or obviate. Every public sale is attended by a host of speculators, who really do not wish to own the soil, but to extort a premium from the occupants for the privilege of purchasing the cabin they have built, and the field they have cleared. To effect that object, they enter into a combination, and act in concert. They threaten the occupant, to run his land to a higher price, than his means will enable him to give, unless he will pay them not to bid against him, or buy the land from them at a considerable profit. Thus combined, they levy a contribution on the honest and industrious part of the community, and divert considerable sums from the treasury. A single individual has no chance to compete with such a formidable combination. The fear of being driven from his home compels him to yield to such terms as may be prescribed. Competition is stifled, and the land bid off at the minimum price, in many instances, when a fair competition, would enhance the price considerably. The Legislature can see no remedy for this evil, but in change of the mode of selling the public land, and would therefore, suggest, with great respect and deference, the propriety of dividing the unsold land into three or more classes, and fixing a price on each class, at which it

might be entered. A much better price would be obtained by the government

and the citizen perhaps, give less for his land. A price sufficiently high, might be fixed in the first instance, to guard against loss to the treasury, That price might be reduced at suitable intervals, if not entered at the former price, until all the land, in any manner fit for cultivation, would be entered.

The legislature is aware, that dividing the lands in classes according to quality, where the surveys are completed, would be attended with some little expense, but feel very confident, that the increased price would greatly exceed the additional expense. The offering of great bodies of land for sale at the same time, is calculated to drain the country of money, by inducing all who are able, to purchase at the same time. By this means great embarrassment is felt in the traffic and commerce on the country. This exhaustion of the circulating medium, would, in a great measure, be avoided by the proposed system. Entries would be made from time to time, and the money thereby withdrawn from the common course of business, less sensibly felt. There would be great propriety in ultimately reducing the quantity to be entered to forty acres, and the price to twenty-five cents an acre. Should this system be adopted, there can be no doubt, that the United States would receive a great deal more money for their land, and the citizen obtain a home for less, than he will inevitably have to give, if the speculators can force him to buy from them, the privilege of buying from the government, as they certainly will do, if the auction system is continued. The gradual reduction of the price, from time to time, at such intervals, as will allow time for a fair experiment, will sell the food lands for their value more nearly, that they bring at auction; and ultimately sell a vast quantity of poor land, that can never be sold under the present system. It is highly important to every government, that the soil should be taxable. Under the system of cash sales, it cannot be important to continue the prohibition of the power of the state, to tax the land for five years from the date of the purchase. That restriction, it is believed, was a part of the old credit system, and should have been abolished with it. Many citizens of this state are living on public land. They have improved it by their labor; and if the system of offering the land for a fixed price shall be adopted, the actual settler might be allowed a preference in the right to purchase for a reasonable period, through all the graduations of price, without the least prejudice to the treasury. The land should be subject to entry by the actual settler, at the price fixed, for a limited time; and if he failed to do so, it should be subject to entry by any other person, for another space; and if not then entered, the price should be reduced, and the preference at the reduced price again allowed to the settler. Should this be done, many poor men will procure land on which they can raise their families. The country at large will be greatly improved, its industry increased and its morals cherished.

1. Resolved therefore, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, that our Senators be, and they are hereby, instructed, and our Representatives requested, to use their best endeavors to procure the passage of a law to dispose of the public lands, in the manner recommended in the foregoing memorial.

2. Resolved, also, that our Senators be instructed, and our Representatives requested to use their best endeavors, to procure for this State the land lying within its limits, to which the Indian title was extinguished by the treaty made at the Indian Springs; and particularly, that they use their best endeavors to prevent the settlement of the Creek Indians, residing in the State of Georgia, within the limits of this state.

3. And be it further resolved, That the Governor, be, and he is hereby, requested to forward one copy of the foregoing memorial and resolutions, to each of our Senators and Representatives in Congress.

(Approved, January 14, 1826.)

A JOINT RESOLUTION memorializing Congress in relation to certain public works therein named.

Whereas, it is highly important to the interests of this state, that the assailable points on our sea board should be placed in a proper state of defence, to resist the aggressions of an invading foe, and believing that this subject can be best effected in time of peace; and, whereas, considerable expense has been already incurred, by the government of the United States, in the commencement of a public work, on Dauphin Island, at the mouth of Mobile Bay, the completion of which, whilst it would add much to the protection of the Bay and the city of Mobile, would be, also, an important link in the chain of defence for the sea board at large:

Be it resolved by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That our Senator in Congress be instructed, and our Representatives requested, to use their best efforts to obtain an appropriation for prosecuting the work at Dauphin Island.

And, whereas, also, much inconvenience and delay would, in the event of hostilities, attend the present mode by which this state is furnished with munitions of war, in consequence of the circuitous rout by which they are transported; and believing there are may points on the Tennessee river, within the limits of this state, eminently calculated for the establishment of a public arsenal and armory, and from which our wants in time of war would be more readily supplied than by the present mode:

Be it further resolved, That our Senators and Representatives aforesaid, be requested to use their best exertions to obtain an appropriation for the erection and establishment of an arsenal and armory, on some point of the Tennessee river, within the limits of this state.

Be it resolved, That his excellency the Governor, be requested to cause to be sent to each of our Senators and Representatives in Congress, one copy of the above resolutions. (Approved, Jan. 7, 1826.)

JOINT RESOLUTION in relation to a grant of land by Congress to the Corporation of the city of Mobile.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to obtain, for the corporation of the city of Mobile, a grant of the privilege or purchasing, from the United States, four contiguous sections of public land, on Spring Hill, near said city, or the quantity contained in four entire sections; as a place of retreat for health to the inhabitants of said city.

And be it further resolved, That his excellency the Governor, be requested to transmit a copy of the foregoing resolution, together with a copy of the executive communication, and the accompanying document on the same subject, to each of our Senators and Representatives, to be laid before Congress. (Approved, Dec. 25, 1823.)

A JOINT RESOLUTION authoring his excellency the Governor to order the Quarter Master-General of this State to deliver sixty stand of arms, of those belonging to the State, to the Independent Blues of Mooresville, Limestone County.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That his excellency the Governor be, and he is hereby, required to order the quarter-master-general of this state to deliver sixty stand of arms, of those belonging to the state, to the Independent Blues of Mooresville, Limestone county, upon the officer, commanding said company, entering into

bond, with good and sufficient security, to the Governor of the state

of Alabama and his successors in office, for the safe keeping or return in good order of the said arms, whenever he shall think it expedient Provided, That the arms now in boxes in the arsenal shall not be subject to delivery under this resolution. (Approved, Jan. 13, 1826.)

A JOINT RESOLUTION relating to the boundary line between the State of Alabama and the State of Georgia.

Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That the Governor be, and he is hereby, authorized and required to appoint two fit persons, as commissioners, to co-operate with such commissioners as may be appointed on the part of the state of Georgia, to ascertain the boundary line between that state and the state of Alabama, according to the terms of the compact made between the United States and the state of Georgia, in the year eighteen hundred and two; and the commissioners, so appointed, shall perform said duty, whenever required by the Governor. (Approved, Jan. 7, 1826.)

JOINT RESOLUTION authorizing the Governor to procure certain Maps and Books for the use of the Executive Office of this State.

Resolved, with the concurrence of the Senate, That the Governor be, and he is hereby, authorized to procure, for the use of the executive office, one complete copy of the laws of the United States, including Ingersoll's digest, and one map of the World, one map of North and South America, and one map of the United States. (Approved, January 13, 1826.)

RESOLUTION, instructing our Senators and requesting our Representatives in Congress, to use their exertions to procure the passage of an act of Congress, to alter the times of holding the District court at Mobile.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of an act of Congress, to authorize the holding of the district court of Mobile, in lieu of the times now directed by law, on the first Monday in May, and on the second Monday in December, in each and every year. (Approved, January 14, 1826.)

A RESOLUTION authorizing the Governor to appoint commissioners to adjust the unsettled accounts between this state and the state of Mississippi.

Be it resolved by the Senate and House of Representatives of the state of Alabama in general assembly convened, That the Governor be and he is hereby authorized to appoint two commissioners, to adjust the unsettled accounts between this state and the state of Mississippi. And full power is hereby given to said commissioners to adjust and finally settle the accounts aforesaid, according to the provisions of the ninth section of an act of Congress entitled an act to establish a separate territorial government for the eastern part of the Mississippi territory. (Approved, January 14, 1826.)

MEMORIAL to the Senate and House of Representatives of the United States of America in Congress assembled.

The Memorial of the Senate and House of Representatives of the state of Alabama in General Assembly convened, respectfully represents, That a considerable portion of the debt contracted by citizens of the state

of Alabama for lands of the United States, sold prior to the first day of

July, in the year one thousand eight hundred and twenty, remains unpaid. The act of Congress heretofore passes for the relief of purchasers of the public lands, while they extended relief to the unfortunate debtor, contributed to the increase of the public revenue, and tended to destroy the odious relation of debtor and creditor which existed between the government and its citizens. Those acts, wish and beneficent as they were, have not however, carried relief into the bosom of many meritorious families who are dependent for their support upon the sweat of their own brow and for salvation from utter ruin, upon the justice and liberality of the general government. Many persons not then recovered from the infatuation produced by a period of unexampled but deceitful prosperity, failed to accept the boon which had been proffered by the general government, and only postponed the time of their suffering by claiming a further credit upon the lands which they had purchased. It is known to the Congress of the United States what untoward circumstances combined, prior to the first of July, eighteen hundred and twenty, to give a fictitious value to every article of merchandize; and to wild and unsettled lands in the Mississippi territory, a supposed value beyond that of the best improved lands in the most populous parts of the United States. More than four millions of dollars of Mississippi stock, issued while three-fourths of the Mississippi territory were covered with Indian titles, were to be redeemed at the treasury of the United States after paying to the state of Georgia one million two hundred thousand dollars, and defraying the expenses of surveying and selling the public lands lying in that territory. This stock was, however, receivable in payment of the public lands lying in that territory, purchased after the date of the said stock. Much of this stock was purchased by persons desirous to lay it out in lands in the Mississippi territory, at from forty to fifty dollars for the hundred. The depreciation of this stock induced purchasers of the public lands to give more than double the amount they would have otherwise given for the same land, to be paid for in money. The high price of the staple product of the soil in the states of Alabama and Mississippi, which continued only a sufficient time to make the ruin of the citizens the more complete, added to the high prices of the public lands, and increases the calamity which finally overwhelmed the purchasers. At that time too, the paper issuing from a multitude of banks without capital, and procured easily, increased the facilities of paying the first instalment upon lands, purchases at prices varying from twenty to one hundred dollars per acre. It is known that the Mississippi stock, from the enormous prices of the lands purchased with it, was very soon almost withdrawn from the market, or attained a value a little less than its nominal amount. Lands purchased with a medium thus depreciated, with the paper of banks which soon ceases to exist, and when cotton commanded thirty to less than ten cents per pound. A just regard to the rights and interests of the citizens required of the government, at this crisis, a manifestation of its paternal regard, and a modification of the contracts which were ruinous to the citizens and not beneficial to the government. Relief was extended to the purchasers of the public lands by several acts of

Congress. From unavoidable accident, from want of information, or from a vain hope of complying with a contract, the ruinous nature of which was not yet discovered, many of the purchasers of lands in the state of Alabama, failed to relinquish their purchases in conformity to the acts of Congress passes for their relief. The wealth of a nation is founded on the prosperity of its citizens, and the strength of the government is bases on the affections of the people. To strengthen the southern frontier has heretofore been the laudable object of the government. With this view they have laid the foundation of a fortification in the state of Alabama, which will be viewed by future generations as a monument of the wisdom and magnanimity of the age in which it was founded. It would not consist with this wise policy of the government, nor with its magnanimity, to turn from his home, which has been reclaimed from the wilderness by hard and scanty means, the yeoman who is ever ready to defend the soil at the bidding of his country. The interest of the government, it is conceived, even if it were to regard its revenue alone, would be promoted by granting relief to its citizens. At the end of six and eight years for which credit has been claimed, the husbandman will find himself still unable to pay for his land. No payment will be made in the meantime, because he cannot hope to obtain a title for the land which he had purchases. At the expiration of the time for which credit has been claimed, the lands will revert to the United States after eight years of ruinous cultivation.

The Legislature of the state of Alabama cannot forbear respectfully to suggest a wish, in behalf of its citizens, that the Congress of the United States will take into its consideration the situation of the purchasers of public lands, and extend for their benefit the time for relinquishing lands in conformity of the acts heretofore passed, and will allow such discounts upon cash payments as may be deemed just.— Here they think justice requires that they should represent, that the lands which were purchased at prices near their real value have been generally paid for, either by lands relinquished, or in cash; and that the lands yet unpaid for are those purchased at prices more above their value than those paid for, and are generally in the hands of persons leat able to pay for them. This circumstance, it is conceived, ought to induce the representatives of the nation to allow a larger discount upon such cash payments as may hereafter be made.

It is respectfully represented that the last law for the relief of the purchasers of the public lands, did not afford any relief to a large and meritorious class of citizens, who had not taken the benefit of the first law. Relief in behalf of this class of purchasers is respectfully prayed. The Legislature would also respectfully represent that many good and worthy citizens who are settled upon public lands are, as the law now stands, in the power of the merciless speculator, and that his hard earnings may either be taken from him, or may be used as a means of extorting from him his last dollar. It is therefore respectfully prayed that a law may be passed protecting the settler in the enjoyment of his crop, and saving him from the "tender mercies" of the unfeeling speculator. It is respectfully prayed that when the public lands shall be sold after the season of preparing for a crop, the planter may be permitted to continue in possession of the land until he shall have gathered the fruits of his labour.

The Legislature of the state of Alabama cannot forbear the expression of an opinion, that it would best comport with the wise policy which has heretofore governed the councils of the nation, to permit the purchasers of public lands not yet paid for, to surrender them to the United States, and to receive certificates for the amount of the purchase money, receivable in payment of the same lands when resold, or in payment of other lands of the United States.

Resolved, that the Governor be requested to forward a copy of this memorial to each of our senators and representatives in Congress: and that our senators be instructed and our representatives be requested to use their exertions to obtain the objects contemplated by the said memorial.

[Approved, January 14, 1826.]

 ERRATA.— Page 21, in the 26th line from top., for security read securities. Page 22, 16th line from bottom, for sheriff read sheriffs. In the caption of the act locating the seat of justice for Walker county, for permanent read temporaryt. Page 76, 11th line from top, insert, at the beginning of the line, the word which.

DEPARTMENT OF STATE,
 Cahawba, March 1, 1826.

I have carefully examined the foregoing Acts and Resolutions, and find them to be true copies of the original rolls deposited in this office.

JAMES I. THORNTON,
 Secretary.

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